

EX. 02

Deposition Transcript of Jimmy Fazekas (w/o exhibits)

Jimmy Fazekas**1 (1 - 4)**

<p style="text-align: right;">Page 1</p> <p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE NORTHERN DISTRICT OF ALABAMA</p> <p>3 MIDDLE DIVISION</p> <p>4</p> <p>5</p> <p>6 CASE NUMBER: 4:15-cv-1152-VEH</p> <p>7</p> <p>8</p> <p>9 MICHELLE LEE HELM,</p> <p>10 Plaintiff,</p> <p>11</p> <p>12 vs.</p> <p>13</p> <p>14 RAINBOW CITY, ALABAMA, et al.,</p> <p>15 Defendants.</p> <p>16</p> <p>17</p> <p>18</p> <p>19 DEPOSITION OF JIMMY FAZEKAS</p> <p>20 DATE TAKEN: November 11, 2016</p> <p>21</p> <p>22</p> <p>23</p>	<p style="text-align: right;">Page 3</p> <p>1 IT IS FURTHER STIPULATED AND AGREED</p> <p>2 that the signature to and the reading of the</p> <p>3 deposition by the witness is waived, the</p> <p>4 deposition to have the same force and effect</p> <p>5 as if full compliance had been had with all</p> <p>6 laws and rules of Court relating to the</p> <p>7 taking of depositions.</p> <p>8</p> <p>9 IT IS FURTHER STIPULATED AND AGREED</p> <p>10 that it shall not be necessary for any</p> <p>11 objections to be made by counsel to any</p> <p>12 questions except as to form or leading</p> <p>13 questions, and that counsel for the parties</p> <p>14 may make objections and assign grounds at</p> <p>15 the time of the trial, or at the time said</p> <p>16 deposition is offered in evidence, or prior</p> <p>17 thereto.</p> <p>18</p> <p>19 IT IS FURTHER STIPULATED AND AGREED</p> <p>20 that the notice of filing of the deposition</p> <p>21 by the Commissioner is waived.</p> <p>22</p> <p>23</p>
<p style="text-align: right;">Page 2</p> <p>1 In accordance with Rule 5(d) of The</p> <p>2 Alabama Rules of Civil Procedure, as</p> <p>3 amended, effective May 15, 1988, I Beth C.</p> <p>4 Word, am hereby delivering to Mr. H. Gregory</p> <p>5 Harp the original transcript of the oral</p> <p>6 testimony taken on the 11th day of November</p> <p>7 2016, along with exhibits.</p> <p>8</p> <p>9 Please be advised that this is the</p> <p>10 same and not retained by the Court Reporter,</p> <p>11 nor filed with the Court.</p> <p>12</p> <p>13</p> <p>14</p> <p>15 S T I P U L A T I O N S</p> <p>16 IT IS STIPULATED AND AGREED by and</p> <p>17 between the parties through their counsel,</p> <p>18 that the deposition of JIMMY FAZEKAS may be</p> <p>19 taken before Beth C. Word, Commissioner, at</p> <p>20 the offices of Stubbs, Sills & Frye, 1724</p> <p>21 South Quintard Avenue, Anniston, Alabama, on</p> <p>22 the 11th day of November 2016.</p> <p>23</p>	<p style="text-align: right;">Page 4</p> <p>1 APPEARANCES</p> <p>2</p> <p>3 FOR THE PLAINTIFF:</p> <p>4</p> <p>5 GREGORY HARP, LLC</p> <p>6 BY: Mr. H. Gregory Harp and</p> <p>7 Mr. Moses Stone</p> <p>8 ADDRESS: 459 Main Street</p> <p>9 Suite 101-266</p> <p>10 Trussville, Alabama 35173</p> <p>11 (205) 544-3132</p> <p>12</p> <p>13</p> <p>14 FOR THE DEFENDANT:</p> <p>15</p> <p>16 FORD, HOWARD & CORNETT, P.C.</p> <p>17 BY: Mr. H. Edward Howard</p> <p>18 ADDRESS: 140 South Ninth Street</p> <p>19 Gadsden, Alabama 35901</p> <p>20 (256) 546-5432</p> <p>21</p> <p>22</p> <p>23</p>

Jimmy Fazekas**2 (5 - 8)**

<p style="text-align: right;">Page 5</p> <p>1 STUBBS, SILLS & FRYE, P.C. 2 BY: Mr. C. David Stubbs 3 ADDRESS: 1724 South Quintard Avenue 4 Anniston, Alabama 36201 5 (256) 835-5050 6 7 8 F&B LAW FIRM, P.C. 9 BY: Mr. Allen L. Anderson 10 ADDRESS: 213 Greene Street 11 Huntsville, Alabama 35801 12 (256) 536-0095 13 14 15 16 17 18 19 20 21 22 23 INDEX</p>	<p style="text-align: right;">Page 7</p> <p>1 I, BETH C. WORD, a Court Reporter of 2 Gadsden, Alabama, acting as Commissioner, 3 certify that on this date, as provided by 4 the Alabama Rules of Civil Procedure and the 5 foregoing stipulation of counsel, there came 6 before me at the offices of Stubbs, Sills & 7 Frye, 1724 South Quintard Avenue, Anniston, 8 Alabama, beginning at 12:00 p.m., JIMMY 9 FAZEKAS, witness in the above cause, for 10 oral examination, whereupon the following 11 proceedings were had: 12 13 14 THE COURT REPORTER: Usual 15 stipulations? 16 MR. HARP: Yes. 17 MR. ANDERSON: Yes. 18 MR. STUBBS: Yes. 19 MR. HOWARD: Yes. 20 21 22 23 JIMMY FAZEKAS,</p>
<p style="text-align: right;">Page 6</p> <p>1 2 EXAMINATION BY: PAGE NUMBER: 3 Mr. Harp 8 4 5 6 7 EXHIBITS: 8 PX-1 - Use of Force Report 21 9 PX-2 - SOP Policy 25 10 PX-3 - Statement of Fazekas 43 11 PX-4 - Secondary Employment Request 100 12 PX-5 - Employee Warning Report 102 13 PX-6 - Accident Report 104 14 PX-7 - Resignation Letter 105 15 PX-8 - Statement of Gilliland 107 16 PX-9 - Taser X26 Certification 131 17 18 19 20 21 22 23</p>	<p style="text-align: right;">Page 8</p> <p>1 being first duly sworn, was 2 examined and testified as follows: 3 4 5 EXAMINATION BY MR. HARP: 6 Q. Mr. Fazekas, my name is Greg Harp. 7 This is Moses Stone. We represent the 8 minor, TBH and her mother, Michelle Helm, in 9 this lawsuit. Have you ever given a 10 deposition before? 11 A. No, sir. 12 Q. Let me go over a couple of ground 13 rules. Your attorney may have gone over 14 them with you. I'm going to be asking some 15 questions. The court reporter will take 16 down everything that we say. Okay? 17 A. Uh-huh (affirmative response). 18 Q. It's important that we do not talk 19 over each other. And I will endeavor to let 20 you answer the question before I start a new 21 one. Okay? 22 A. Uh-huh (affirmative response). 23 Q. The thing that you're doing right</p>

Jimmy Fazekas**3 (9 - 12)**

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1 now saying uh-huh, she's going to fuss at
 2 you if you do that. And she is not being
 3 mean. She needs you to say either yes or no
 4 if one of those are applicable. She
 5 can't --
 6 A. No nods either.
 7 Q. No nods either.
 8 A. Okay.
 9 Q. If at any time you need to take a
 10 break, I understand you were working late
 11 last night, so anytime you need to take a
 12 break, just let me know. I don't think
 13 we'll be here too long today. So are you
 14 aware that you were sued in this
 15 litigation?
 16 A. Yes, sir.
 17 Q. Okay. What is your full name?
 18 A. Robert James Fazekas, Junior.
 19 Q. And where do you currently
 20 reside?
 21 A. Foley, Alabama.
 22 Q. How long have you resided in
 23 Foley?

Page 10

1 A. One year.
 2 Q. So you moved to Foley in November
 3 of last year?
 4 A. October.
 5 Q. October of 2015?
 6 A. Yes, sir.
 7 Q. And prior to residing in Foley,
 8 where did you reside?
 9 A. In Southside, Alabama.
 10 Q. How long did you reside in
 11 Southside?
 12 A. I would say twelve years.
 13 Q. So that was from 2003 until about
 14 2015?
 15 A. Yes, sir.
 16 Q. And where did you reside just
 17 prior to Southside?
 18 A. Glencoe.
 19 Q. How long did you reside in
 20 Glencoe?
 21 A. Four years, I think.
 22 Q. Four years?
 23 A. Yes.

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1 Q. So 1999 until 2003?
 2 A. Yes.
 3 Q. Where did you reside prior to
 4 Glencoe?
 5 A. East Gadsden.
 6 Q. What street in East Gadsden?
 7 A. Chandler Street.
 8 Q. Chandler?
 9 A. Uh-huh (affirmative response).
 10 Q. How long did you reside in East
 11 Gadsden on Chandler Street?
 12 A. From probably eight years old
 13 until close to twenty maybe, something like
 14 that.
 15 Q. So what year were you born?
 16 A. '76.
 17 Q. So that would put you from '84
 18 until '99; is that right, or did you live
 19 somewhere between East Gadsden and
 20 Glencoe?
 21 A. Repeat that for me.
 22 Q. Okay. You said you resided in
 23 Glencoe from about eight years old forward,

Page 12

1 right? Until you moved to East Gadsden.
 2 A. East Gadsden from eight up, eight
 3 years old.
 4 Q. Oh, I'm sorry. East Gadsden from
 5 eight years old.
 6 A. Until I was twenty.
 7 Q. Okay. And then where did you move
 8 to?
 9 A. That was Glencoe.
 10 Q. Glencoe. Okay. And then you were
 11 born in New Jersey?
 12 A. Easton, Pennsylvania.
 13 Q. Okay. Did you ever live in New
 14 Jersey?
 15 A. No, sir.
 16 Q. And where are you currently
 17 employed?
 18 A. RJ's Seamless Gutters.
 19 Q. What is your job title there?
 20 A. General manager.
 21 Q. Do you own that company?
 22 A. No, sir.
 23 Q. Who owns that company?

Jimmy Fazekas**4 (13 - 16)**

Page 13	Page 15
<p>1 A. Tim Robertson.</p> <p>2 Q. And how long have you worked at</p> <p>3 RJ's Seamless Gutters?</p> <p>4 A. October 1st, 2015 to currently.</p> <p>5 Q. So that's located in Foley?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Where did you reside (sic) just</p> <p>8 prior to RJ's Seamless Gutters?</p> <p>9 A. Repeat that. Where did I reside?</p> <p>10 Q. I'm sorry. Not reside. Where did</p> <p>11 you work prior to RJ's Seamless Gutters?</p> <p>12 A. Rainbow City Police Department.</p> <p>13 Q. How long did you work for the</p> <p>14 Rainbow City Police Department?</p> <p>15 A. Approximately five years.</p> <p>16 Q. And you started out as an officer</p> <p>17 there, patrol officer?</p> <p>18 A. Yes.</p> <p>19 Q. How long did you work as a patrol</p> <p>20 officer?</p> <p>21 A. Approximately three years.</p> <p>22 Q. What year did you start with the</p> <p>23 Rainbow City Police Department?</p>	<p>1 Q. Were you two promoted to detective</p> <p>2 around the same time?</p> <p>3 A. Yes.</p> <p>4 Q. Were there any other detectives --</p> <p>5 let me ask you this way. In 2015, were</p> <p>6 there any other detectives for the Rainbow</p> <p>7 City Police Department besides yourself and</p> <p>8 Justin Gilliland?</p> <p>9 A. Chase Jenkins.</p> <p>10 Q. And Mr. Jenkins was a detective?</p> <p>11 A. Yes.</p> <p>12 Q. What rank did Mr. Jenkins hold?</p> <p>13 A. Captain.</p> <p>14 Q. When is the last time you have</p> <p>15 spoken to Chase Jenkins?</p> <p>16 A. Approximately a year ago.</p> <p>17 Q. Around the time you left the</p> <p>18 police department?</p> <p>19 A. Yes.</p> <p>20 Q. Was Mr. Jenkins still employed</p> <p>21 with the Rainbow City Police Department the</p> <p>22 last time you spoke with him?</p> <p>23 A. Yes.</p>
Page 14	Page 16
<p>1 A. 2010.</p> <p>2 Q. So in 2013, what job title did you</p> <p>3 change to?</p> <p>4 A. Detective.</p> <p>5 Q. And you worked there until October</p> <p>6 of 2015?</p> <p>7 A. September 30th.</p> <p>8 Q. September 30th. Did you have a</p> <p>9 partner as a detective at the Rainbow City</p> <p>10 Police Department?</p> <p>11 A. Yes.</p> <p>12 Q. What was your partner's name?</p> <p>13 A. Detective Gilliland.</p> <p>14 Q. Is that Justin Gilliland?</p> <p>15 A. Yes.</p> <p>16 Q. How long did you work with Justin</p> <p>17 Gilliland in either capacity, as a patrol</p> <p>18 officer or detective at the Rainbow City</p> <p>19 Police Department?</p> <p>20 A. Close to five years.</p> <p>21 Q. Was Mr. Gilliland a patrol officer</p> <p>22 during some of the same years you were?</p> <p>23 A. Yes.</p>	<p>1 Q. When is the last time you have</p> <p>2 spoken to Justin Gilliland?</p> <p>3 A. I would say it's probably been</p> <p>4 three months ago.</p> <p>5 Q. And what was the occasion for you</p> <p>6 speaking with Justin Gilliland three months</p> <p>7 ago?</p> <p>8 A. He called just checking on me,</p> <p>9 small talk.</p> <p>10 Q. Did you guys discuss this lawsuit</p> <p>11 at all?</p> <p>12 A. No, sir.</p> <p>13 Q. Did you discuss Mr. Gilliland</p> <p>14 leaving the Rainbow City Police</p> <p>15 Department?</p> <p>16 A. No, sir.</p> <p>17 Q. Did you know that Mr. Gilliland</p> <p>18 had left the Rainbow City Police</p> <p>19 Department?</p> <p>20 A. Yes, sir. He talked to me about</p> <p>21 another job.</p> <p>22 Q. When he talked to you about</p> <p>23 another job, did you ask him if he was still</p>

Jimmy Fazekas**5 (17 - 20)**

Page 17

1 employed with Rainbow City?
 2 A. No.
 3 Q. Did you already know Mr. Gilliland
 4 wasn't employed?
 5 A. Yes.
 6 Q. How did you find out Mr. Gilliland
 7 was no longer employed by the Rainbow City
 8 Police Department?
 9 A. Another officer.
 10 Q. Which officer was that?
 11 A. Scott Holderfield.
 12 Q. And tell me about the
 13 circumstances that led to Mr. Holderfield
 14 informing you that Justin Gilliland was no
 15 longer employed by the Rainbow City Police
 16 Department.
 17 A. He was working at the bank, at
 18 Family Savings. And I went in there because
 19 I bank there. And he just started talking
 20 about it.
 21 Q. Did he tell you why Mr. Gilliland
 22 was no longer employed by the Rainbow City
 23 Police Department?

Page 18

1 A. No, sir.
 2 Q. Well, what did he talk about?
 3 A. He just said Justin is no longer
 4 with Rainbow City. And then we talked about
 5 my job.
 6 Q. Mr. Holderfield was working off
 7 duty at the bank?
 8 A. Family Savings, yes.
 9 Q. Family Savings. Have you heard
 10 from any other person or persons why
 11 Mr. Gilliland left the Rainbow City Police
 12 Department?
 13 A. No.
 14 Q. Do you know sitting here today why
 15 Mr. Gilliland left the Rainbow City Police
 16 Department?
 17 A. I do not know, no, sir.
 18 Q. Were you ever called as part of
 19 any investigation into Justin Gilliland's
 20 conduct at the Rainbow City Police
 21 Department?
 22 A. Never, no.
 23 Q. Was Justin Gilliland your partner

Page 19

1 the entire time you were a detective at
 2 Rainbow City?
 3 A. Except for possibly one or two
 4 months.
 5 Q. And who was --
 6 A. Justin McGlaughn.
 7 Q. Justin McGlaughn?
 8 A. Uh-huh (affirmative response).
 9 Q. Do you know why Justin McGlaughn
 10 was your partner during those one to two
 11 months instead of Mr. Gilliland?
 12 A. I think it was summertime, and he
 13 was out of school because he was an SRO.
 14 Q. To your knowledge, has Justin
 15 Gilliland, during the time that you worked
 16 with Mr. Gilliland, was he ever suspended
 17 from the Rainbow City Police Department?
 18 A. Not to my knowledge. I do not
 19 know.
 20 Q. Do you know Greg Carroll?
 21 A. Yes.
 22 Q. How do you know Greg Carroll?
 23 A. He was my chief.

Page 20

1 Q. Was he your Chief of Police the
 2 entire time you worked for Rainbow City?
 3 A. No, sir.
 4 Q. Did Allen Ragan serve as your
 5 chief for a period of time?
 6 A. Yes, sir.
 7 Q. Any other chiefs besides Mr. Ragan
 8 and Mr. Carroll?
 9 A. Rick Hill.
 10 Q. Rick Hill?
 11 A. Yes, sir.
 12 Q. Put those in order for me. We
 13 know Mr. Carroll was your chief when you
 14 left, correct?
 15 A. Yes.
 16 Q. And who was your chief just prior
 17 to Mr. Carroll?
 18 A. Rick Hill.
 19 Q. And then prior to that?
 20 A. Allen Ragan.
 21 Q. Allen Ragan. Okay. Let me show
 22 you what I will mark as Plaintiff's Exhibit
 23 Number 1 to your deposition. And by way of

Jimmy Fazekas**6 (21 - 24)**

Page 21

1 further identification, it is Bate stamped
 2 Rainbow City document 000018.
 3
 4
 5 (Plaintiff's Exhibit Number 1 was
 6 marked for identification and same is
 7 attached hereto.)
 8
 9 Q. When you have had a chance to look
 10 at that, just let me know.
 11 A. (Witness reviewing document.) I
 12 have, yes, sir.
 13 Q. Do you recognize that document?
 14 A. Yes.
 15 Q. What is that document?
 16 A. It's a use of force.
 17 Q. And who uses that document to your
 18 knowledge?
 19 A. The officers fill it out.
 20 Q. And those would be Rainbow City
 21 officers?
 22 A. Yes.
 23 Q. And when would this form be filled

Page 22

1 out by an officer?
 2 A. After a use of force incident.
 3 Q. And would that include the use of
 4 a chemical agent?
 5 A. Yes.
 6 Q. Or a Baton?
 7 A. Yes.
 8 Q. PPCT?
 9 A. Yes.
 10 Q. A Taser?
 11 A. Yes.
 12 Q. Or a firearm.
 13 A. Yes.
 14 Q. Have you ever filled out one of
 15 these use of force forms during the time you
 16 were a Rainbow City police officer?
 17 A. Yes.
 18 Q. Approximately how many times have
 19 you had to fill out a use of force form?
 20 A. Approximately three times.
 21 Q. If you would, tell me about the
 22 times to the extent that you recall them
 23 that you had to fill out a use of force

Page 23

1 form. What were the situations that led to
 2 you having to fill out these forms?
 3 A. One incident was a gentleman we
 4 had arrested for possession. And he took
 5 off running prior to that, so I chased him
 6 down and tased him.
 7 Q. What year did that occur?
 8 A. I don't recall that date.
 9 Q. Were you a patrol officer or
 10 detective during that time?
 11 A. Patrol.
 12 Q. So somewhere between 2010 and
 13 2013?
 14 A. Correct.
 15 Q. Okay. What about the other times
 16 that you had to use a use of force form?
 17 A. I'm not a hundred percent on that.
 18 I would think it was at a gas station with a
 19 gentleman on a theft third charge.
 20 Q. Did you tase him?
 21 A. No.
 22 Q. What type of force did you use on
 23 him that required a form to be filled out?

Page 24

1 A. Strong hand. I brought him to the
 2 ground, PPCT.
 3 Q. Were you a patrol officer at that
 4 time?
 5 A. Yes.
 6 Q. What about the other time that you
 7 recall that you had to fill out a use of
 8 force form?
 9 A. I said approximately three times.
 10 I don't remember anymore offhand.
 11 Q. So sitting here today, you
 12 remember the tasing and the PPCT.
 13 A. Those two are the ones that I
 14 remember a little bit on.
 15 Q. Okay. Was there an official
 16 policy during the time that you worked at
 17 Rainbow City regarding filling out the use
 18 of force report?
 19 A. The sergeants always helped us.
 20 And there was a policy, yes.
 21 Q. Let me show you what I will mark
 22 as Plaintiff's Exhibit Number 2 to your
 23 deposition. And this is going to be further

Jimmy Fazekas**7 (25 - 28)**

<p style="text-align: right;">Page 25</p> <p>1 identified as Rainbow City documents 000001 2 through 000017. 3 4 (Plaintiff's Exhibit Number 2 was 5 marked for identification and same is 6 attached hereto.) 7 8 9 Q. Okay. Take a look at that. 10 A. (Witness reviewing documents.) 11 Q. Are you ready? 12 A. Yes. 13 Q. Okay. You became a police officer 14 in Rainbow City in 2010, correct? 15 A. Yes, sir. 16 Q. In 2010, were you given a copy of 17 the standard operating procedures of the 18 Rainbow City Police Department? 19 A. Yes. 20 Q. In 2010 when you were given those 21 standard operating procedures, did those 22 standard operating procedures include a use 23 of force policy?</p>	<p style="text-align: right;">Page 27</p> <p>1 the Rainbow City Police Department in 2010, 2 this is the version of the use of force 3 policy that you received, correct? 4 A. I can't say for sure a hundred 5 percent. 6 Q. Well, do you recall ever having 7 received a different version of the use of 8 force policy? 9 A. I would have to go back and look. 10 Q. Where would you go to look? 11 A. I think I still have a book at 12 home. 13 Q. You think you still have the 14 SOP? 15 A. Yes. 16 Q. And does that SOP that you have at 17 home contain the use of force policy? 18 A. Yes. 19 Q. Looking at Plaintiff's Exhibit 20 Number 2 -- and I will represent to you that 21 when we requested a copy of Rainbow City's 22 use of force policy, this is what we were 23 given. And you may have something</p>
<p style="text-align: right;">Page 26</p> <p>1 A. Yes. 2 Q. Is the document that I have marked 3 Plaintiff's Exhibit Number 2 a true and 4 correct copy of the use of force policy in 5 the Rainbow City standard operating 6 procedures? 7 A. It looks similar, to my 8 knowledge. 9 Q. To your knowledge, sitting here 10 today, did you ever have a different use of 11 force policy other than the one that we have 12 marked as Plaintiff's Exhibit Number 2? 13 A. I don't remember anything 14 different. 15 Q. Okay. If you will look at the 16 effective date, it says 11-14-2005, 17 correct? 18 A. I see that. 19 Q. And that was five years prior to 20 when you began working at the Rainbow City 21 Police Department, right? 22 A. Correct. 23 Q. But when you started working at</p>	<p style="text-align: right;">Page 28</p> <p>1 different; is that right? 2 A. I couldn't tell you either way 3 without looking. 4 Q. If you would, turn with me over to 5 the Bate stamp page number eight. And it's 6 going to be on the lower right-hand corner. 7 Are you there? 8 A. Yes, sir. 9 Q. Sitting here today, are you 10 familiar with the taser procedures for the 11 Rainbow City Police Department to the extent 12 they existed at the time you left? 13 A. I've forgotten a lot of things, 14 but for the most part. 15 Q. And you have not worked as a 16 police officer since October 2015; is that 17 right? 18 A. Correct. 19 Q. Are you still APOST certified? 20 A. One year left, yes, or less than a 21 year. 22 Q. Do you plan to try to retain your 23 certification?</p>

Jimmy Fazekas**8 (29 - 32)**

<p style="text-align: right;">Page 29</p> <p>1 A. No.</p> <p>2 Q. As a detective for the Rainbow</p> <p>3 City Police Department, did you carry a</p> <p>4 taser?</p> <p>5 A. Certain times.</p> <p>6 Q. When you were not carrying a</p> <p>7 taser, where did it stay?</p> <p>8 A. In my car.</p> <p>9 Q. Is the taser that you carried as a</p> <p>10 detective the same taser you carried as a</p> <p>11 patrol officer?</p> <p>12 A. Yes.</p> <p>13 Q. Or was it? I guess we're going to</p> <p>14 speak past tense because when you left, you</p> <p>15 turned that taser in, correct?</p> <p>16 A. Yes.</p> <p>17 Q. What model was it?</p> <p>18 A. I don't recall.</p> <p>19 Q. Does X26 sound familiar?</p> <p>20 A. That's right.</p> <p>21 Q. How often did you have to get</p> <p>22 certified on that taser?</p> <p>23 A. When I became a patrol officer, we</p>	<p style="text-align: right;">Page 31</p> <p>1 referring to?</p> <p>2 A. Sergeant.</p> <p>3 Q. Which sergeant?</p> <p>4 A. Holderfield.</p> <p>5 Q. When did that occur?</p> <p>6 A. I'm sorry. It was Bryant,</p> <p>7 Sergeant Bryant.</p> <p>8 Q. John Bryant?</p> <p>9 A. Yes.</p> <p>10 Q. Was he your shift supervisor at</p> <p>11 some point?</p> <p>12 A. At some point, he was, and so was</p> <p>13 Holderfield.</p> <p>14 Q. And that's when you were a patrol</p> <p>15 officer, right?</p> <p>16 A. Yes.</p> <p>17 Q. So John Bryant went over the</p> <p>18 policy along with Mr. Scott Holderfield?</p> <p>19 A. I believe it was just John</p> <p>20 Bryant.</p> <p>21 Q. Okay. How many times did</p> <p>22 Mr. Bryant go over the use of force related</p> <p>23 to tasers or the taser policy?</p>
<p style="text-align: right;">Page 30</p> <p>1 got tased to become certified.</p> <p>2 Q. So you were certified when you</p> <p>3 became a patrol officer in 2010?</p> <p>4 A. Yes.</p> <p>5 Q. Now, was that before or after you</p> <p>6 went to the academy?</p> <p>7 A. Before.</p> <p>8 Q. Who tased you?</p> <p>9 A. Chase Jenkins, I believe.</p> <p>10 Q. Was Mr. Jenkins in charge of</p> <p>11 certification of tasers at that time?</p> <p>12 A. Yes.</p> <p>13 Q. Did you receive any additional</p> <p>14 training on the use of tasers at the</p> <p>15 academy?</p> <p>16 A. I don't recall.</p> <p>17 Q. After you came back from the</p> <p>18 academy and went to work again at the</p> <p>19 Rainbow City Police Department, did you</p> <p>20 receive any additional training on the use</p> <p>21 of tasers?</p> <p>22 A. We went over the policy.</p> <p>23 Q. When you say we, who are you</p>	<p style="text-align: right;">Page 32</p> <p>1 A. I'm thinking it was yearly.</p> <p>2 Q. When John Bryant went over the</p> <p>3 policy with you regarding taser use, do you</p> <p>4 know what he was using as instructional</p> <p>5 material?</p> <p>6 A. No, sir.</p> <p>7 Q. Do you recall whether or not he</p> <p>8 was using the Rainbow City Police Department</p> <p>9 use of force as instructional material?</p> <p>10 A. No, sir. I don't recall.</p> <p>11 Q. Do you have any relatives who</p> <p>12 currently live in Etowah County?</p> <p>13 A. Yes.</p> <p>14 Q. And who are they?</p> <p>15 A. My children.</p> <p>16 Q. What are their names? Well,</p> <p>17 before you tell me that, are they over the</p> <p>18 age of nineteen?</p> <p>19 A. One is.</p> <p>20 Q. What's their name?</p> <p>21 A. Megan Fazekas.</p> <p>22 Q. Do you know if she's employed in</p> <p>23 Etowah County?</p>

Jimmy Fazekas**9 (33 - 36)**

<p style="text-align: right;">Page 33</p> <p>1 A. She is.</p> <p>2 Q. Where is she employed?</p> <p>3 A. Guthrie's.</p> <p>4 Q. And I always like to tell people</p> <p>5 why I ask these questions. I just want to</p> <p>6 make sure that none of your relatives end up</p> <p>7 on the jury if we end up at trial.</p> <p>8 A. Okay.</p> <p>9 Q. And it's really more than Etowah</p> <p>10 County because this is a Federal case, but</p> <p>11 I'm just going to limit my questions to your</p> <p>12 relatives in Etowah County right now. Okay?</p> <p>13 A. Okay.</p> <p>14 Q. So other than your daughter, do</p> <p>15 you have any other relatives in Etowah</p> <p>16 County?</p> <p>17 A. I've got an aunt that lives in</p> <p>18 Attalla.</p> <p>19 Q. And what is her name?</p> <p>20 A. Faye Fazekas.</p> <p>21 Q. Are you married?</p> <p>22 A. No, sir.</p> <p>23 Q. Have you ever been married?</p>	<p style="text-align: right;">Page 35</p> <p>1 Q. So you were working extra shifts?</p> <p>2 Tell me how you came to work there on that</p> <p>3 night. Did someone just call you and say</p> <p>4 hey, do you want to work here?</p> <p>5 A. Yes.</p> <p>6 Q. Who was that?</p> <p>7 A. Greg Carroll. Chief Carroll.</p> <p>8 Q. Tell me how that conversation went</p> <p>9 the best you can recall.</p> <p>10 A. He always asked me and Justin to</p> <p>11 volunteer if we wanted to work any concerts</p> <p>12 for extra money. And I told him yes.</p> <p>13 Q. So that was not the first time</p> <p>14 that you had worked at Center Stage; is that</p> <p>15 correct?</p> <p>16 A. No, sir.</p> <p>17 Q. How many times prior to January</p> <p>18 16, 2015 would you say you worked at Center</p> <p>19 Stage?</p> <p>20 A. Approximately ten times.</p> <p>21 Q. And on each of those ten</p> <p>22 occasions, were you always asked by Chief</p> <p>23 Carroll if you wanted to work at Center</p>
<p style="text-align: right;">Page 34</p> <p>1 A. Yes, sir.</p> <p>2 Q. And what is your ex-wife's name?</p> <p>3 Well, I assume she's your ex.</p> <p>4 A. She is in Etowah County also with</p> <p>5 my children. And her name is Jamie</p> <p>6 Patterson.</p> <p>7 Q. Has she remarried, or is that her</p> <p>8 maiden name?</p> <p>9 A. That's her maiden name.</p> <p>10 Q. Does her family reside in Etowah</p> <p>11 County?</p> <p>12 A. Yes.</p> <p>13 Q. Is that the Pattersons of</p> <p>14 Patterson's Grocery there on 411?</p> <p>15 A. No, sir.</p> <p>16 Q. All right. You were working at</p> <p>17 Center Stage on the night of January 16,</p> <p>18 2015, correct?</p> <p>19 A. Yes.</p> <p>20 Q. And can you tell me why you were</p> <p>21 working at Center Stage on the night of</p> <p>22 January 16, 2015?</p> <p>23 A. For some extra money.</p>	<p style="text-align: right;">Page 36</p> <p>1 Stage?</p> <p>2 A. Yes.</p> <p>3 Q. Now, when you were working at</p> <p>4 Center Stage -- so eleven times total you</p> <p>5 worked there, correct?</p> <p>6 A. Approximately.</p> <p>7 Q. Approximately ten times before and</p> <p>8 then on the night of January 16, 2015.</p> <p>9 A. Yes.</p> <p>10 Q. So the eleven times prior when you</p> <p>11 worked there, were you working in the</p> <p>12 capacity of a Rainbow City Police Officer?</p> <p>13 A. Yes.</p> <p>14 Q. And when you were working at</p> <p>15 Center Stage, did you have arrest powers?</p> <p>16 A. Yes.</p> <p>17 Q. And when you were working at</p> <p>18 Center Stage on those eleven times, were you</p> <p>19 there to make sure that the laws of Alabama</p> <p>20 were carried out?</p> <p>21 A. Yes.</p> <p>22 Q. And that none of those laws were</p> <p>23 broken?</p>

Jimmy Fazekas**10 (37 - 40)**

Page 37	Page 39
<p>1 A. Yes.</p> <p>2 Q. Who actually paid you for your</p> <p>3 work at Center Stage?</p> <p>4 A. A man named Jeremy. I can't</p> <p>5 remember his last name.</p> <p>6 Q. Reeves?</p> <p>7 A. Yes.</p> <p>8 Q. You would receive your payment</p> <p>9 directly from Jeremy Reeves?</p> <p>10 A. Yes.</p> <p>11 Q. Even though you were working in</p> <p>12 the capacity of a Rainbow City Police</p> <p>13 Officer?</p> <p>14 A. I received my pay from Jeremy</p> <p>15 Reeves.</p> <p>16 Q. How did he pay you?</p> <p>17 A. Cash.</p> <p>18 Q. How much were you paid each time</p> <p>19 you worked at the Center Stage?</p> <p>20 A. It varied on money.</p> <p>21 Q. What would be the highest amount</p> <p>22 you recall being paid by Jeremy Reeves?</p> <p>23 A. Probably a hundred and eighty in</p>	<p>1 Stage during the time that you were a patrol</p> <p>2 officer, were you ever paid by Jeremy</p> <p>3 Reeves?</p> <p>4 A. Yes.</p> <p>5 Q. Do you know how the other officers</p> <p>6 were offered the chance to work at Center</p> <p>7 Stage on those security jobs?</p> <p>8 A. I do not know.</p> <p>9 Q. When Greg Carroll would come to</p> <p>10 you -- strike that. Tell me what manner</p> <p>11 Greg Carroll would use to come to you to ask</p> <p>12 if you wanted to work at Center Stage.</p> <p>13 Would he call you? Would he send you an</p> <p>14 email?</p> <p>15 A. Call or talk to me by coming to my</p> <p>16 office.</p> <p>17 Q. Come to your office at the Rainbow</p> <p>18 City Police Department?</p> <p>19 A. Yes.</p> <p>20 Q. During the hours that you were</p> <p>21 actually on shift?</p> <p>22 A. Yes.</p> <p>23 Q. Did Jeremy Reeves provide you with</p>
Page 38	Page 40
<p>1 one night.</p> <p>2 Q. And what would be the least amount</p> <p>3 you recall being paid by Jeremy Reeves for</p> <p>4 your work at Center Stage?</p> <p>5 A. Approximately a hundred.</p> <p>6 Q. So you averaged around a hundred</p> <p>7 and twenty dollars each time you worked</p> <p>8 there, a hundred and thirty dollars?</p> <p>9 A. It varied.</p> <p>10 Q. You said you worked there with</p> <p>11 Mr. Gilliland, correct, at Center Stage?</p> <p>12 A. At some of them.</p> <p>13 Q. Sometimes. Okay. Who are some</p> <p>14 other officers you can recall being at</p> <p>15 Center Stage when you would work security?</p> <p>16 A. All of the officers that was in</p> <p>17 our department has been there before, either</p> <p>18 patrolling and coming by or working, you</p> <p>19 know, at Center Stage.</p> <p>20 Q. Did you work at Center Stage</p> <p>21 during the time you were a patrol officer?</p> <p>22 A. Yes.</p> <p>23 Q. And when you worked at Center</p>	<p>1 a 1099 at the end of the year?</p> <p>2 A. No, sir.</p> <p>3 Q. Did he provide you with any type</p> <p>4 of document to allow you to be able to pay</p> <p>5 taxes on the money you received for working</p> <p>6 security?</p> <p>7 A. Less than nine hundred a year, you</p> <p>8 didn't have to pay any.</p> <p>9 Q. So you made less than nine hundred</p> <p>10 a year?</p> <p>11 A. Uh-huh (affirmative response).</p> <p>12 Q. Did you make less than six hundred</p> <p>13 a year?</p> <p>14 A. I would have to go back and follow</p> <p>15 up on that. I can't say for sure.</p> <p>16 Q. And it would be impossible to look</p> <p>17 at any records to see because you didn't</p> <p>18 keep records of that, did you?</p> <p>19 A. No, sir.</p> <p>20 Q. Was there any type of paperwork</p> <p>21 that you had to fill out with the Rainbow</p> <p>22 City Police Department in order to work at a</p> <p>23 venue like Center Stage?</p>

Jimmy Fazekas**11 (41 - 44)**

<p style="text-align: right;">Page 41</p> <p>1 A. I don't recall.</p> <p>2 Q. You don't recall having ever</p> <p>3 filled out any document?</p> <p>4 A. Not for Center Stage.</p> <p>5 Q. What about for other locations?</p> <p>6 A. Family Savings.</p> <p>7 Q. Was there some difference between</p> <p>8 you working -- I assume you were working</p> <p>9 security at Family Savings?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Was there some difference between</p> <p>12 you working security at Family Savings as</p> <p>13 opposed to Center Stages?</p> <p>14 A. I don't understand the question.</p> <p>15 Q. Well, you were working security at</p> <p>16 Family Savings, right?</p> <p>17 A. Yes.</p> <p>18 Q. Were you working security at</p> <p>19 Center Stage?</p> <p>20 A. Yes.</p> <p>21 Q. So the question is, was there some</p> <p>22 difference between the type of security you</p> <p>23 were providing at Family Savings that would</p>	<p style="text-align: right;">Page 43</p> <p>1 personnel file, yes. I take that back.</p> <p>2 Q. When you saw some of your</p> <p>3 personnel file, did you see anything about</p> <p>4 the forms you had to fill out in order to</p> <p>5 work security?</p> <p>6 A. I did not.</p> <p>7 Q. Let me show you what I will mark</p> <p>8 as Plaintiff's Exhibit Number 3 to your</p> <p>9 deposition. It's a three-page document.</p> <p>10 And there is no Bate stamp on it, but by way</p> <p>11 of further identification, it states at the</p> <p>12 top, Statement of Jimmy Fazekas.</p> <p>13</p> <p>14 (Plaintiff's Exhibit Number 3 was</p> <p>15 marked for identification and same is</p> <p>16 attached hereto.)</p> <p>17</p> <p>18 Q. I'll let you take a look at that</p> <p>19 and just let me know when you're ready.</p> <p>20 A. (Witness reviewing document.)</p> <p>21 Okay. I'm ready.</p> <p>22 Q. Do you recognize that document?</p> <p>23 A. Yes.</p>
<p style="text-align: right;">Page 42</p> <p>1 have required you to fill out that form?</p> <p>2 A. No, sir.</p> <p>3 Q. But you do recall filling out a</p> <p>4 form to work at Family Savings as security,</p> <p>5 right?</p> <p>6 A. I believe we had to fill out a</p> <p>7 form, to my knowledge.</p> <p>8 Q. But you don't recall having to</p> <p>9 fill out a form to work at Center Stage; is</p> <p>10 that right?</p> <p>11 A. I don't recall any form for Center</p> <p>12 Stage.</p> <p>13 Q. Do you know what happened to the</p> <p>14 forms that you would have to fill out when</p> <p>15 you worked at Family Savings?</p> <p>16 A. No, sir.</p> <p>17 Q. Would that go into your personnel</p> <p>18 file?</p> <p>19 A. I've never seen my personnel</p> <p>20 file.</p> <p>21 Q. You've never seen your personnel</p> <p>22 file?</p> <p>23 A. No. I've seen some of my</p>	<p style="text-align: right;">Page 44</p> <p>1 Q. What is this document?</p> <p>2 A. It's a statement I made.</p> <p>3 Q. When did you make this</p> <p>4 statement?</p> <p>5 A. I do not recall.</p> <p>6 Q. And it's undated, correct?</p> <p>7 A. That's correct.</p> <p>8 Q. Did you type this statement up</p> <p>9 yourself?</p> <p>10 A. I did.</p> <p>11 Q. Did you type this on a Rainbow</p> <p>12 City Police Department computer?</p> <p>13 A. Yes.</p> <p>14 Q. Did you type this up on your</p> <p>15 computer that was in the detective office?</p> <p>16 A. Yes.</p> <p>17 Q. And you shared an office with</p> <p>18 Mr. Gilliland, correct?</p> <p>19 A. I did not.</p> <p>20 Q. You had your own office?</p> <p>21 A. We had separate offices.</p> <p>22 Q. Okay. Did Mr. Gilliland assist</p> <p>23 you in writing your statement?</p>

Jimmy Fazekas**12 (45 - 48)**

Page 45

1 A. No, sir.

2 Q. Did he assist you in any of the

3 recollections that you made in writing your

4 statement?

5 A. I don't understand.

6 Q. Did you say hey, do you remember

7 if a certain thing happened and he filled in

8 a missing gap for you? Did he offer you any

9 assistance at all?

10 A. No.

11 Q. So this statement would be your

12 words and your words only, correct?

13 A. That's right.

14 Q. And it would be based completely

15 on your recollection.

16 A. Yes.

17 Q. At the time that you typed it.

18 A. Yes.

19 Q. Okay. Do you see anything in this

20 statement that looks different than when you

21 first typed your statement?

22 MR. STUBBS: Object to the form.

23 Go ahead.

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1

2 Q. Sometimes I'm going to ask what he

3 perceives to be a bad question so he will

4 object to the form, but you can still

5 answer.

6 A. Repeat the question.

7 Q. Sure. Do you see anything in this

8 statement you have in front of you that's

9 marked Plaintiff's Exhibit Number 3 that

10 looks differently than your statement when

11 you first typed it and printed it out?

12 A. I don't remember a first statement

13 that you're talking about.

14 Q. Well, is this the same statement

15 that you wrote back when you first wrote

16 it?

17 A. This statement is the original

18 statement, yes.

19 Q. Okay. This is the original

20 statement. Who did you give this statement

21 to after you typed it up?

22 A. I don't recall.

23 Q. Who asked you to type the

Page 47

1 statement?

2 A. Captain Jenkins, I think.

3 Q. And how soon after January 16,

4 2015 were you asked to type this

5 statement?

6 A. I don't recall.

7 Q. Did you ever meet with anyone

8 about your statement?

9 A. No, sir.

10 Q. Did you have a discussion with --

11 A. I think I did meet one time, I

12 think, with him, but not necessarily about

13 the statement, just meeting with him

14 (indicating).

15 Q. You're not talking about your

16 lawyer now. You're talking about

17 Mr. Howard, right?

18 A. No. We didn't meet. He was just

19 in the office with Gilliland, I think.

20 MR. HOWARD: I did meet with you

21 if that's what you're asking me.

22 THE WITNESS: Okay.

23

Page 48

1 Q. Okay. So you met with Mr. Howard

2 and Mr. Gilliland in an office.

3 A. It's not in an office. Just like

4 in our detective division, I saw them.

5 Q. Okay. And did he ask you any

6 questions?

7 A. (Witness shakes head negatively.)

8 Q. Do you know why he was up there?

9 MR. HOWARD: Hold on. Wait a

10 minute. I'm just going to put on the

11 record, at the time, I had been assigned to

12 represent Mr. Fazekas. It was before it

13 came to my attention that there could be a

14 possible conflict of interest or the

15 appearance of one. So I'm going to object

16 to him talking about with you what we talked

17 about.

18

19 Q. Did you talk about anything with

20 him?

21 A. I don't recall.

22 MR. HARP: He said he just saw

23 you.

Jimmy Fazekas**13 (49 - 52)**

Page 49

1 MR. HOWARD: Well, I'll tell you.
 2 The truth is, after this lawsuit was filed,
 3 I spoke with Mr. Fazekas as well as
 4 Mr. Gilliland as well as the other officers.
 5 And that's how I was able to find out that
 6 there could be a possible conflict of
 7 interest between them and the City. So
 8 whether he remembers it or not --
 9
 10 A. I don't recall. I remember seeing
 11 his face.
 12 Q. Okay. So you don't recall having
 13 an actual conversation with him.
 14 A. I do not.
 15 Q. But you recall Mr. Howard meeting
 16 with Mr. Gilliland?
 17 A. Well, he was up there. He just
 18 said he saw everybody, so I guess that's why
 19 he was up there.
 20 Q. But you don't know what he talked
 21 about with Mr. Gilliland?
 22 A. I do not know, no.
 23 Q. And it was after you had been

Page 50

1 served with the lawsuit?
 2 A. I believe it would be, yes.
 3 Q. Well --
 4 A. I mean, before the lawsuit, it
 5 wouldn't --
 6 Q. I just wondered if it was before
 7 or after you had actually been served by a
 8 process server with the lawsuit.
 9 A. Are you talking about it being
 10 mailed to me?
 11 Q. Was it mailed to you?
 12 A. I believe it was.
 13 Q. Okay. And that was after you had
 14 received the complaint in the mail that you
 15 saw Mr. Howard?
 16 A. I don't know.
 17 Q. And all of this was spawned by me
 18 asking you if you had discussed your
 19 statement with anyone. And so let me go
 20 back to that question. Have you discussed
 21 this statement with anyone outside of
 22 Mr. Stubbs who is your attorney?
 23 A. That statement, no.

Page 51

1 Q. Okay. So you just typed this
 2 statement and gave it to Captain Jenkins?
 3 A. Yes.
 4 Q. And you never heard anymore about
 5 it?
 6 A. No.
 7 Q. Have you looked at this statement
 8 at all since you gave it to Captain
 9 Jenkins?
 10 A. No. Yes. I got an email, yes,
 11 with it on an email.
 12 Q. All right. Who did that email
 13 come from?
 14 MR. STUBBS: I'm going to limit
 15 the answer. I sent the email.
 16
 17 Q. Okay. So when you typed this,
 18 were the events of January 16, 2015 fresh in
 19 your mind?
 20 A. When I wrote it?
 21 Q. Yes, sir.
 22 A. Pretty much, yes.
 23 Q. Would you defer to what you have

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1 written here as your recollection about what
 2 happened on the night of January 16, 2015 at
 3 Center Stage?
 4 A. Yes.
 5 Q. Okay. Let's go down to the third
 6 paragraph. It starts when the concert
 7 finally began. Do you see that?
 8 A. Yes.
 9 Q. You said, when the concert finally
 10 began, I noticed numerous people walking up
 11 on stage and standing around the DJ table;
 12 is that right?
 13 A. Yes.
 14 Q. If you go down to the fourth full
 15 paragraph, it starts, before the concert
 16 started, it was announced that the concert
 17 area was a smoke free zone, but there was a
 18 room in the back of the hall where people
 19 were allowed to smoke in. Did you write
 20 that?
 21 A. Yes.
 22 Q. Was that your recollection at the
 23 time?

Jimmy Fazekas**14 (53 - 56)**

<p style="text-align: right;">Page 53</p> <p>1 A. Yes.</p> <p>2 Q. Then you say, during the concert,</p> <p>3 I noticed numerous people lighting up</p> <p>4 something and smoking it. At one point, I</p> <p>5 had a brief -- I think you meant smell, but</p> <p>6 it says a brief smell of a marijuana like</p> <p>7 odor coming from the large group of people</p> <p>8 near my station. Did you write that?</p> <p>9 A. Yes.</p> <p>10 Q. Was it correct when you wrote</p> <p>11 it?</p> <p>12 A. Yes.</p> <p>13 Q. The area I was manning, I told a</p> <p>14 half dozen people to stop smoking and showed</p> <p>15 them where the smoking room was. Did you</p> <p>16 write that?</p> <p>17 A. Yes.</p> <p>18 Q. Did you mean that when you wrote</p> <p>19 it?</p> <p>20 A. Yes.</p> <p>21 Q. So you smelled an odor of</p> <p>22 marijuana and you told the people they</p> <p>23 couldn't smoke it there, to go to the</p>	<p style="text-align: right;">Page 55</p> <p>1 Q. You did?</p> <p>2 A. Yes.</p> <p>3 Q. And you didn't put that in your</p> <p>4 statement, right?</p> <p>5 A. It's not in there.</p> <p>6 Q. Okay. Turn the page, if you</p> <p>7 would. In the first full paragraph there,</p> <p>8 to paraphrase, the first sentence says you</p> <p>9 saw a black male rapper jump off the stage</p> <p>10 into the crowd with his bodyguards; is that</p> <p>11 right?</p> <p>12 A. That's correct.</p> <p>13 Q. And then you got a little</p> <p>14 concerned because they were just pushing the</p> <p>15 large crowd around and walking around; is</p> <p>16 that right?</p> <p>17 A. Yes.</p> <p>18 Q. And you saw a lot of people being</p> <p>19 pushed down during that time, right?</p> <p>20 A. Yes.</p> <p>21 Q. And you became worried about the</p> <p>22 safety of the people in the crowd; is that</p> <p>23 right?</p>
<p style="text-align: right;">Page 54</p> <p>1 smoking room?</p> <p>2 MR. STUBBS: Object to the form.</p> <p>3 MR. HOWARD: Object to the form.</p> <p>4 MR. ANDERSON: Object to the form.</p> <p>5</p> <p>6 Q. You can answer.</p> <p>7 A. I meant cigarette smoke.</p> <p>8 Q. What do you mean?</p> <p>9 A. Not marijuana. Not smoking</p> <p>10 marijuana in the smoking room. Cigarettes.</p> <p>11 Q. You meant cigarettes when you</p> <p>12 wrote what?</p> <p>13 A. To stop smoking and showed them</p> <p>14 where the smoking area was.</p> <p>15 Q. Oh, okay. So when you say, the</p> <p>16 area I was manning, I told a half dozen</p> <p>17 people to stop smoking, they were smoking</p> <p>18 cigarettes.</p> <p>19 A. Yes.</p> <p>20 Q. Did you ever investigate where the</p> <p>21 marijuana smell was coming from?</p> <p>22 A. We couldn't find it. I did,</p> <p>23 yes.</p>	<p style="text-align: right;">Page 56</p> <p>1 A. I did, yes.</p> <p>2 Q. And after about ten minutes, the</p> <p>3 rapper went back to the stage with his</p> <p>4 bodyguards; is that right?</p> <p>5 A. Yes.</p> <p>6 Q. And then you saw Detective</p> <p>7 Gilliland flashing his flashlight. And that</p> <p>8 was already a predetermined signal between</p> <p>9 you and Detective Gilliland, right?</p> <p>10 A. That was.</p> <p>11 Q. And the reason you had that signal</p> <p>12 was why?</p> <p>13 A. If we needed help or assistance.</p> <p>14 Q. So when you saw Detective</p> <p>15 Gilliland flashing his flashlight, you knew</p> <p>16 he needed assistance, right?</p> <p>17 A. Yes.</p> <p>18 Q. And did you ever go to Detective</p> <p>19 Gilliland, where he was?</p> <p>20 A. We met in the center in the</p> <p>21 floor.</p> <p>22 Q. And when you got there, you saw a</p> <p>23 white female laying on the ground, right?</p>

Jimmy Fazekas**15 (57 - 60)**

Page 57

1 A. Yes. With a crowd around her,
2 yes.
3 Q. And you say, upon arrival through
4 the crowd, I noticed a white female laying
5 on the ground possibly having a seizure; is
6 that right?
7 A. Yes.
8 Q. So at the point that you got to
9 her and you saw the white female laying on
10 the ground, had anyone told you she may be
11 having a seizure?
12 A. No.
13 Q. You just thought she was possibly
14 having a seizure on your own, correct?
15 A. Yes.
16 Q. And what made you believe she may
17 have been having a seizure when you got
18 there?
19 A. She was shaking.
20 Q. Shaking?
21 A. Uh-huh (affirmative response).
22 Q. Was she conscious?
23 A. No, not to my knowledge.

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1 Q. Okay. What happened after you got
2 there and you saw her shaking on the
3 ground?
4 A. I tried to move the crowd back to
5 give her some air.
6 Q. And then it looks like Detective
7 Gilliland was holding the female's head; is
8 that right?
9 A. Yes.
10 Q. And you believe he was holding it
11 so she would not hit the concrete floor with
12 her head?
13 A. Yes.
14 Q. And that's because you guys
15 thought she was having a seizure, right?
16 A. Yes.
17 Q. Now, then you say, I was trying to
18 keep the crowd back, just like you just
19 said, when you noticed a black male come up
20 to help. Do you know who that black male
21 was?
22 A. No, sir.
23 Q. Was he a Rainbow City police

Page 59

1 officer?
2 A. No, sir.
3 Q. Do you know if he worked security
4 for Center Stage?
5 A. No, sir.
6 Q. Okay. He picked up the white
7 female, put her over his shoulder and
8 carried her to the front of the building
9 near the front doors. He placed her in the
10 chair beside the door and Detective
11 Gilliland called for medical attention for
12 the female. Now, did you witness Detective
13 Gilliland call for medical attention?
14 A. I think we heard it over the
15 radio.
16 Q. So a call went out --
17 A. Somebody went over the radio. I
18 believe it was Detective Gilliland, but it
19 could have been somebody else.
20 Q. Okay. So you guys were wearing
21 your radios.
22 A. We had our radios, yes. It was
23 real loud in there though.

Page 60

1 Q. But those are Rainbow City issued
2 police radios, right?
3 A. Yes.
4 Q. And you heard a call go out over
5 that radio from someone that you believe to
6 be Detective Gilliland call for medical
7 attention for this white female, right?
8 A. Yes.
9 Q. Now, your next paragraph says,
10 after a short time sitting in the chair, the
11 female started having seizures again and
12 fell in the floor. Now, did you believe she
13 was having seizures at that point that night
14 on January 16, 2015?
15 A. I just said seizures. She was
16 having something going on with her.
17 Q. But you wrote seizures, right?
18 A. I know.
19 Q. Is that right?
20 A. Yes, I did write that.
21 Q. And you wrote this statement
22 sometime after January 16, 2015, right?
23 A. Yes.

Jimmy Fazekas**16 (61 - 64)**

Page 61

1 Q. And according to your earlier
2 testimony, we can use this as a record of
3 your recollection of what happened that
4 night, right?
5 A. Yes.
6 Q. Because you would agree that your
7 memory was better days after the concert
8 than it is now about what happened that
9 night, right?
10 A. Definitely.
11 Q. So you wrote that she was having
12 seizures in your statement that you wrote
13 shortly after January 16, 2015. And she
14 fell in the floor; is that right?
15 A. Yes.
16 Q. And medical attention had been
17 called because you heard it go out over the
18 radio, right?
19 A. Yes.
20 Q. And you knew that medical
21 attention had been called by a Rainbow City
22 police officer because it went out over a
23 Rainbow City issued radio, right?

Page 62

1 A. Yes.
2 Q. Would anyone else have access to
3 that channel that you guys operate on?
4 A. I don't understand the question.
5 Q. Well, could anyone else besides a
6 Rainbow City police officer have made that
7 call that that female needed medical
8 attention?
9 A. That would be our department.
10 Q. Okay. And I am reading again.
11 A. Okay.
12 Q. By that time, there were four or
13 five police officers and one employee of
14 Center Stage helping the female from
15 bouncing off the concrete floor and holding
16 her down. Did you witness that yourself?
17 A. Yes.
18 Q. So you witnessed the female
19 literally having to be held down because she
20 was bouncing up and down on the floor. And
21 why were those police officers and that one
22 Center Stage guy helping the female? Why
23 were they holding her down; do you know?

Page 63

1 MR. STUBBS: Object to the form.
2
3 Q. You can answer.
4 A. To keep her from getting hurt.
5 Q. Okay. Did it appear to you at
6 that point that she could control her body
7 movements?
8 A. No.
9 Q. Okay. Next you say, I, Detective
10 Fazekas, was standing over the female
11 holding her hips from bouncing off the
12 ground. Were you physically holding the
13 female down?
14 A. Yes.
15 Q. And why were you holding her down
16 at that point?
17 A. She was still shaking.
18 Q. And you felt she was having a
19 seizure, right, according to what you wrote
20 here?
21 A. According to that, yes.
22 Q. And this is our record, right?
23 A. Yes.

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1 Q. When the female came out of the
2 seizures -- you used that word again -- she
3 became irate, cussing and yelling at the
4 officers. How do you know that she had come
5 out of the seizure?
6 A. Because she quit shaking and her
7 eyes opened up and she was very irate.
8 Q. And what was she saying?
9 A. She was yelling and cussing. I
10 remember that, because at one point, she was
11 cussing at all of us. I mean, that's what I
12 have on the statement.
13 Q. Okay. But you don't remember what
14 she was saying?
15 A. When she first came out of it, no.
16 Q. And you didn't write down what she
17 was saying, right?
18 A. Not on here, no.
19 Q. Okay. Now, you said officers
20 tried talking with the female numerous
21 times, but she kept getting loud and cussing
22 at all of us; is that right?
23 A. Uh-huh (affirmative response).

Jimmy Fazekas**17 (65 - 68)**

Page 65	Page 67
<p>1 Q. Now, you said it was loud in</p> <p>2 there. Was it still loud in the concert</p> <p>3 venue at that time?</p> <p>4 A. Yes.</p> <p>5 Q. So you said she kept getting loud,</p> <p>6 but it was already loud in the concert --</p> <p>7 A. We were in the lobby. The doors</p> <p>8 were closed.</p> <p>9 Q. So you guys were in the lobby.</p> <p>10 A. Yes.</p> <p>11 Q. Away from the crowd.</p> <p>12 A. There was a crowd coming out</p> <p>13 checking.</p> <p>14 Q. And what were they checking?</p> <p>15 A. Taking pictures and running camera</p> <p>16 phones and all and seeing what was going on</p> <p>17 with her.</p> <p>18 Q. Do you remember another female</p> <p>19 being in the lobby with you guys during that</p> <p>20 time, a young teenage girl?</p> <p>21 A. I do not, no.</p> <p>22 Q. Do you remember a female ever</p> <p>23 telling Detective Gilliland, that's my</p>	<p>1 from the door so the medics could get</p> <p>2 through. So at the point that you told the</p> <p>3 people to move away from the doors, the</p> <p>4 medical personnel had not arrived yet, had</p> <p>5 they?</p> <p>6 A. No.</p> <p>7 Q. Do you know how long after it was</p> <p>8 that you told the people to move away from</p> <p>9 the door after you opened the door for fresh</p> <p>10 air that the medical personnel arrived?</p> <p>11 A. I do not.</p> <p>12 Q. And then it says, I told the</p> <p>13 people standing outside numerous times --</p> <p>14 well, we just read that. Let me start at</p> <p>15 the next sentence. All of a sudden, I had</p> <p>16 this white female knock me back off my feet</p> <p>17 trying to get past me. Now, did you write</p> <p>18 this?</p> <p>19 A. Yes.</p> <p>20 Q. And is that your recollection of</p> <p>21 what happened?</p> <p>22 A. Yes.</p> <p>23 Q. So there was a white female who</p>
Page 66	Page 68
<p>1 sister, she's having a medical emergency?</p> <p>2 A. I do not.</p> <p>3 Q. Do you recall a female being there</p> <p>4 saying she's having seizures?</p> <p>5 A. No.</p> <p>6 Q. Okay. Now, the next paragraph</p> <p>7 says, when she stopped seizing, you went and</p> <p>8 stood at the front doors because you opened</p> <p>9 them for her to have fresh air; is that</p> <p>10 right?</p> <p>11 A. That's correct.</p> <p>12 Q. Why did you open the doors for her</p> <p>13 to have fresh air?</p> <p>14 A. Because it was hot in there.</p> <p>15 Q. And you thought she was having a</p> <p>16 medical emergency, right?</p> <p>17 A. Yes.</p> <p>18 Q. At that point, numerous people</p> <p>19 were standing outside the doors filming with</p> <p>20 their camera phones, just like you said,</p> <p>21 right?</p> <p>22 A. Right.</p> <p>23 Q. You told those people to move away</p>	<p>1 knocked you off of your feet.</p> <p>2 A. Yes.</p> <p>3 Q. Are you saying literally off your</p> <p>4 feet?</p> <p>5 A. Almost knocked me down, yes.</p> <p>6 Q. Well, there may be a distinction</p> <p>7 there. Were you knocked down, or did the</p> <p>8 female bump into you?</p> <p>9 A. Knocked down, are you talking</p> <p>10 about laying on the ground? Is that what</p> <p>11 you're asking?</p> <p>12 Q. Yes, sir. When I think of knocked</p> <p>13 off of my feet, I'm no longer on my feet.</p> <p>14 I'm on the ground. Did you ever go to the</p> <p>15 ground?</p> <p>16 A. No, sir.</p> <p>17 Q. So when you say, she knocked me</p> <p>18 back off of my feet, she didn't actually</p> <p>19 knock you to the ground, did she?</p> <p>20 A. I didn't fall on the ground, no,</p> <p>21 sir.</p> <p>22 Q. Tell me how you recall falling.</p> <p>23 Did you fall at all? Did you stumble?</p>

Jimmy Fazekas**18 (69 - 72)**

Page 69

1 A. Yes. Stumbled back, yes.
 2 Q. Stumbled back?
 3 A. Yes.
 4 Q. Okay. Was your back to the door,
 5 or were you facing the door?
 6 A. I was outside trying to get the
 7 crowd to step back.
 8 Q. Yes, sir. But when you were
 9 outside, you were near the front door,
 10 right?
 11 A. I was right in the doorway just
 12 about.
 13 Q. But which way were you facing,
 14 into the lobby or out toward the parking
 15 lot?
 16 A. Out toward the parking lot.
 17 Q. Out toward the parking lot.
 18 A. Yes.
 19 Q. Okay. And was there a huge crowd
 20 around?
 21 A. Yes.
 22 Q. How big was the lady that hit
 23 you?

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1 A. I don't recall her being a certain
 2 size. Smaller than me.
 3 Q. Smaller than you?
 4 A. Yes, sir.
 5 Q. Were you about the same size then
 6 as you are now?
 7 A. Yes, sir.
 8 Q. How tall are you?
 9 A. Six, three.
 10 Q. How much do you weigh?
 11 A. Two hundred.
 12 Q. So on January 16, 2015, you were
 13 six, three, two hundred pounds and a female
 14 knocked you, as you say, back off my feet
 15 trying to get past you; is that right?
 16 A. Yes. I wrote that.
 17 Q. Is there anything about that you
 18 want to change?
 19 A. She knocked me back. I mean,
 20 that's kind of the way I wrote it.
 21 Q. Well, I know. That's why I'm
 22 giving you the opportunity to change it,
 23 because I know that's the way you wrote it

Page 71

1 here, but you stand by that statement.
 2 A. I didn't fall on the ground.
 3 Q. Okay.
 4 A. That's just a term I used, knocked
 5 me off my feet back. I didn't land on the
 6 ground.
 7 Q. Okay. And then you say, I grabbed
 8 the female by the arm to stop her from
 9 passing the doorway; is that right?
 10 A. Yes.
 11 Q. Is that what you recall?
 12 A. Uh-huh (affirmative response).
 13 Q. I advised the lady that I was a
 14 police officer and I was protecting the area
 15 from people entering; is that right?
 16 A. Yes.
 17 Q. Why did you advise the lady that
 18 you were a police officer and you were
 19 protecting the area from people entering?
 20 A. The way she ran into me trying to
 21 knock me back.
 22 Q. But was there a crime being
 23 committed?

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1 A. A crime being committed?
 2 Q. Right. I just want to know why
 3 you were protecting the area.
 4 A. Because we had a lady on the
 5 ground.
 6 Q. That you thought was having a
 7 medical emergency, right?
 8 A. Yes.
 9 Q. And so you were trying to keep
 10 people from getting to that area?
 11 A. Yes.
 12 Q. The lady stated, quote, I don't
 13 care, that is my daughter, and I am going to
 14 her. Now, you have this in quotes. Is that
 15 exactly -- usually when people put things in
 16 quotes, that's exactly what the person said.
 17 At the time that you wrote this, were you
 18 saying that's exactly what she said?
 19 A. That's what I wrote, yes.
 20 Q. And you didn't write that she said
 21 anything else, right?
 22 A. I don't have it in there, no.
 23 Q. And you were the one that was face

Jimmy Fazekas**19 (73 - 76)**

Page 73

1 to face with that lady, right?

2 A. When she ran into me and knocked

3 me back, she went ahead and tried to go

4 around and I grabbed her, so I wasn't like

5 this (indicating).

6 Q. But you could hear what she said.

7 A. Yes.

8 Q. Because you put it in quotes,

9 right?

10 A. Yes.

11 Q. And so the extent of what you

12 heard her say is, I don't care, that's my

13 daughter and I'm going to her, right?

14 A. Yes.

15 Q. Now, then you have, the female,

16 later identified as Michelle Helm, pulled

17 away from me and ran toward her daughter and

18 the other police officers. Do you recall

19 that?

20 A. Yes.

21 Q. Is that what happened?

22 A. Yes.

23 Q. At what point did you identify

Page 74

1 this female as Michelle Helm?

2 A. Probably later on when she was

3 arrested that night.

4 Q. That night?

5 A. Yeah.

6 Q. Okay. Officer Morgan grabbed the

7 female to tell her to get back, and she

8 cussed at him and pulled away. Who is

9 Officer Morgan?

10 A. He worked as a patrol officer for

11 the Rainbow City PD.

12 Q. Was Officer Morgan still a patrol

13 officer at the time you left the Rainbow

14 City Police Department?

15 A. I don't recall.

16 Q. When is the last time you spoke to

17 Officer Morgan?

18 A. Probably six months ago.

19 Q. What was the occasion for you

20 speaking to Officer Morgan six months ago?

21 A. To fix my electrical in a house in

22 Southside.

23 Q. Do you still own a house in

Page 75

1 Southside?

2 A. Yes.

3 Q. Who did Officer Morgan work for

4 that you knew to call him?

5 A. An electrical company.

6 Q. What's the name of that electrical

7 company?

8 A. I do not know.

9 Q. Did you pay that electrical

10 company when he fixed your electrical?

11 A. He didn't have to fix it.

12 Q. Did he come out?

13 A. Yes.

14 Q. Were you charged at all?

15 A. No.

16 Q. Did you call and ask specifically

17 for Gary Morgan?

18 A. I just called his cell.

19 Q. You called his cell?

20 A. Yes.

21 Q. What is Officer Morgan's cell

22 number?

23 A. I don't know. I would have to

Page 76

1 look it up.

2 Q. Do you have your phone?

3 A. Yes.

4 Q. Do you have it on you?

5 A. Yes.

6 Q. Can you look it up for me?

7 A. It's [REDACTED]

8 Q. Did you have any conversations

9 with Officer Morgan about six months ago

10 about this lawsuit?

11 A. No.

12 Q. Did you tell Officer Morgan you

13 had been sued as a result of what happened

14 at Center Stage?

15 A. We didn't talk about it.

16 Q. You didn't talk about it?

17 A. No.

18 Q. Okay. So I'm back to your

19 statement. I then noticed Officer Morgan

20 drive stun Michelle Helm with his taser; is

21 that right?

22 A. Yes.

23 Q. So you actually witnessed Officer

Jimmy Fazekas**20 (77 - 80)**

<p style="text-align: right;">Page 77</p> <p>1 Morgan drive stun Michelle Helm; is that 2 right? 3 A. Yes. 4 Q. I then tried to detain Michelle 5 Helm on the ground to place her in cuffs to 6 take control of the situation; is that 7 right? 8 A. Yes. 9 Q. Michelle Helm continued to pull 10 way and wiggle, so I could not get her 11 hands. And Detective Gilliland came over to 12 help and pulled her away from the area where 13 her daughter was having seizures for safety 14 reasons; is that right? 15 A. Yes. 16 Q. Now, you say here that her 17 daughter was having seizures. Was she 18 having seizures at the time Michelle Helm 19 was drive stunned by Officer Morgan? 20 A. That's what I wrote. 21 Q. And this is our record, right? 22 A. Yes. 23 Q. This is your best recollection,</p>	<p style="text-align: right;">Page 79</p> <p>1 door not letting people come in and out and 2 could still hear the female that had the 3 seizures on the floor still cussing at 4 medics and being irate. So at some point, 5 the medics arrived; is that right? 6 A. That's right. 7 Q. And did you see any interaction 8 between the medics and the female on the 9 ground? 10 A. Yes. 11 Q. What was the interaction? 12 A. She was cussing at them and 13 spitting. 14 Q. What was she saying? 15 A. I don't recall the words, but I 16 remember her cussing and being very angry. 17 Q. And do you know why she was 18 angry? 19 A. I don't know. 20 Q. Was she still being held down by 21 police officers? 22 A. I believe at that time, the 23 medics.</p>
<p style="text-align: right;">Page 78</p> <p>1 what's contained in this document, right? 2 A. Yes. 3 Q. And in this document, you wrote 4 that her daughter was having seizures at the 5 time that Michelle Helm was drive stunned, 6 right? 7 A. Yes. 8 Q. Okay. When you say you tried to 9 detain Michelle Helm, did you try to detain 10 her after she was tased? 11 A. I tried to grab her hands to put 12 her in cuffs. 13 Q. After she was tased. 14 A. Yes. 15 Q. And where was she tased? 16 A. I don't recall. 17 Q. What was she wearing? 18 A. I don't recall. 19 Q. Do you recall whether or not she 20 urinated on herself? 21 A. I didn't know about that. 22 Q. Okay. Then we go to the next 23 paragraph. I continued to stand near the</p>	<p style="text-align: right;">Page 80</p> <p>1 Q. You believe the medics were 2 holding her down? 3 A. Yes, at that time. 4 Q. Okay. Now, turn with me to your 5 last page of your statement. You say, so 6 time later. Did you mean sometime later? 7 A. Yes. 8 Q. Okay. Sometime later, I was 9 yelled at by some people inside the building 10 stating some officers needed assistance. 11 What people yelled to you? 12 A. The crowd. Sometime people in the 13 crowd just saying there was something going 14 on. 15 Q. Okay. But you and your other 16 police officers there had your radios, 17 right? 18 A. Yes. 19 Q. But you didn't hear a call go out 20 over the radio about officer needs 21 assistance? 22 A. I didn't hear anything, no. 23 Q. Okay. You say, I and Detective</p>

Jimmy Fazekas**21 (81 - 84)**

<p style="text-align: right;">Page 81</p> <p>1 Gilliland took off towards where the 2 incident was taking place and noticed 3 Officer Roberts on the ground with a white 4 male. Roberts was putting cuffs on the 5 white male when we arrived. At that point, 6 Detective Gilliland left the area to chase 7 the other suspect involved in the incident. 8 What did you do? 9 A. I just came to the situation, saw 10 it was under control and started, I guess, 11 to walk back. 12 Q. And then it says, after gathering 13 both suspects up, Officer Roberts carried 14 his suspect to his patrol car, and we talked 15 with the other suspect about what happened. 16 Police eventually let the second suspect go 17 because he was just trying to defend himself 18 in a fight. Does that refresh your 19 recollection as to what you did after you 20 got to where Officer Roberts was? 21 A. We went back to the side and then 22 talked to somebody about that. 23 Q. Okay. You left and you went back</p>	<p style="text-align: right;">Page 83</p> <p>1 At that point, we were talking 2 with an individual named Mr. Palmer about 3 the incident. And a female recognized him 4 and yelled to Mr. Palmer, fuck them mother 5 fuckers up. After that, officers went back 6 into Center Stage and was paid by Jeremy 7 Reeves for our services. Did I read that 8 correctly? 9 A. Yes. 10 Q. Is that the extent of your 11 statement on what happened on January 16, 12 2015? 13 MR. STUBBS: Object to the form. 14 15 A. Yes. 16 Q. Do you have anything to add to 17 your statement that we have marked as 18 Plaintiff's Exhibit Number 3? 19 A. I do not. 20 Q. So are you aware that in this 21 lawsuit, it is contended that George Morris 22 tased the female while she was on the 23 ground?</p>
<p style="text-align: right;">Page 82</p> <p>1 to the front of the concert hall, right? 2 A. I don't recall that. 3 Q. Well, your last paragraph here 4 says, while walking back up to the front of 5 the concert hall, medics were still working 6 on the female that was having the seizures. 7 Do you see that? 8 A. Oh, okay. Yes. 9 Q. The female was still cussing at 10 the medical staff, and I heard one of them 11 state, she spit on me. You never saw her 12 spit on that person though, did you? 13 A. Not to my knowledge. 14 Q. Well, you didn't write it here, 15 right? You said you heard one of them state 16 she spit on me, right? 17 A. I heard, right. 18 Q. But you didn't actually see it. 19 A. No, sir. 20 Q. Finally the medics got the female 21 strapped down and started to wheel her out 22 and she continued cussing the medics and 23 cuss myself and Detective Gilliland.</p>	<p style="text-align: right;">Page 84</p> <p>1 A. Explain contended. 2 Q. Do you know who George Morris 3 is? 4 A. Yes. 5 Q. Who is George Morris? 6 A. A sergeant at Rainbow City. 7 Q. I think he's a lieutenant now. 8 A. Okay. 9 Q. But yeah, he's the same guy. 10 A. Okay. 11 Q. Did you know that he was accused 12 of tasing this female while she was held 13 down by officers? 14 MR. STUBBS: Object to the form. 15 16 A. I did. 17 Q. When did you first learn about 18 that? 19 A. In the lawsuit. 20 Q. In the lawsuit, that's the first 21 time you had heard that George Morris had 22 tased the female. 23 A. Yes.</p>

Jimmy Fazekas**22 (85 - 88)**

<p style="text-align: right;">Page 85</p> <p>1 Q. Is when you saw a copy of the 2 lawsuit.</p> <p>3 A. Oh, I'm sorry. I don't recall 4 that, no. I don't remember. That wouldn't 5 be correct. I don't remember</p> <p>6 Q. So you may have heard it before 7 the lawsuit was filed; is that right?</p> <p>8 A. I don't recall.</p> <p>9 Q. Do you recall after this happened 10 on January 16, 2015, it being discussed in 11 the Rainbow City Police Department at all?</p> <p>12 A. I don't recall that. I mean, it 13 could have happened, yes. I mean, people 14 talk about stuff.</p> <p>15 Q. But you don't recall any 16 conversations about what happened?</p> <p>17 A. I didn't even know the lawsuit 18 even existed. I mean, it just kind of 19 popped up.</p> <p>20 Q. Well, that was a bad night, right? 21 I mean, according to your statement, during 22 my time as security at Center Stages of 23 Rainbow City, I have never witnessed a crowd</p>	<p style="text-align: right;">Page 87</p> <p>1 George Morris about what happened on January 2 16, 2015?</p> <p>3 A. Yes.</p> <p>4 Q. Did you have any conversations 5 with Greg Carroll about what happened on 6 January 16, 2015?</p> <p>7 A. No, sir.</p> <p>8 Q. Did you have any conversations 9 with Chase Jenkins about what happened on 10 January 16, 2015?</p> <p>11 A. No, sir. But that's close to a 12 year ago. I guess I talked to him.</p> <p>13 Q. Talked to who?</p> <p>14 A. Chase.</p> <p>15 Q. You talked --</p> <p>16 A. About this incident, no. Just 17 talking to him.</p> <p>18 Q. Okay. What did you talk to Chase 19 Jenkins about? I think you told me that 20 earlier.</p> <p>21 A. Just small talk, but not about 22 this case.</p> <p>23 Q. Are you aware that Chase Jenkins</p>
<p style="text-align: right;">Page 86</p> <p>1 as wild and rambunctious as the crowd that 2 night.</p> <p>3 A. Correct.</p> <p>4 Q. But you don't recall any 5 conversations at the Rainbow City Police 6 Department after the concert about that 7 night?</p> <p>8 A. (Witness shakes head negatively.)</p> <p>9 Q. Is that a no?</p> <p>10 A. No, sir.</p> <p>11 Q. Okay. Have you ever had any 12 conversation with George Morris about what 13 happened at Center Stage?</p> <p>14 A. No, sir.</p> <p>15 Q. When is the last time you had a 16 conversation with George Morris?</p> <p>17 A. Over a year ago.</p> <p>18 Q. While you were still employed at 19 Rainbow City?</p> <p>20 A. Yes.</p> <p>21 Q. After this lawsuit was filed, is 22 it your testimony sitting here under oath 23 that you haven't had any conversation with</p>	<p style="text-align: right;">Page 88</p> <p>1 and Greg Carroll were supposed to 2 investigate the actions of the officers that 3 night?</p> <p>4 MR. HOWARD: Object to the form.</p> <p>5</p> <p>6 A. Repeat that. I don't understand.</p> <p>7 Q. Are you aware that Chase Jenkins 8 and Greg Carroll were supposed to be the 9 ones who investigated the actions of the 10 Rainbow City police officers that night?</p> <p>11 MR. HOWARD: Object to the form.</p> <p>12</p> <p>13 A. I wasn't aware.</p> <p>14 Q. Have you ever had a conversation 15 with Justin Gilliland about this lawsuit?</p> <p>16 A. Yes.</p> <p>17 Q. Tell me about the conversation you 18 had with Justin Gilliland about this 19 lawsuit.</p> <p>20 A. I mean, just basic talk. I don't 21 know. Just can't believe it's even a 22 lawsuit.</p> <p>23 Q. And why can't you believe it's</p>

Jimmy Fazekas**23 (89 - 92)**

<p style="text-align: right;">Page 89</p> <p>1 even a lawsuit?</p> <p>2 A. Because there was nothing</p> <p>3 unjustified in the case. I mean, it was</p> <p>4 standard procedure.</p> <p>5 Q. Well, how do you know it was</p> <p>6 standard procedure for George Morris to</p> <p>7 taser the female if you didn't even know he</p> <p>8 had tased her until after you got served</p> <p>9 with the lawsuit?</p> <p>10 MR. ANDERSON: Object to the form.</p> <p>11</p> <p>12 A. Repeat that.</p> <p>13 Q. You said you can't believe there</p> <p>14 is a lawsuit because everything that</p> <p>15 happened was standard procedure, right?</p> <p>16 A. Uh-huh (affirmative response).</p> <p>17 Q. So how do you know that George</p> <p>18 Morris' actions were standard procedure if</p> <p>19 you didn't even know he had tased the minor</p> <p>20 until after you were served with the</p> <p>21 lawsuit? MR. ANDERSON: Object to the</p> <p>22 form.</p> <p>23</p>	<p style="text-align: right;">Page 91</p> <p>1 Q. But you have no independent</p> <p>2 knowledge sitting here today that George</p> <p>3 Morris followed the procedures, do you?</p> <p>4 Because if you do, we need to talk about it.</p> <p>5 Do you have any independent</p> <p>6 knowledge sitting here today that George</p> <p>7 Morris followed the standard procedures in</p> <p>8 his interactions with the minor on January</p> <p>9 16, 2015?</p> <p>10 A. I don't understand that question.</p> <p>11 MR. HARP: All right. Let's take</p> <p>12 a break. I'll try to think of a better way</p> <p>13 to ask it. And then we'll come back and</p> <p>14 we'll take another stab at it. Okay?</p> <p>15 THE WITNESS: Okay.</p> <p>16</p> <p>17 (Whereupon, a brief recess was</p> <p>18 taken.)</p> <p>19</p> <p>20 Q. Okay. We're back on the record</p> <p>21 after a break. Mr. Fazekas, is there</p> <p>22 anything about your testimony thus far after</p> <p>23 the break that you would like to clarify?</p>
<p style="text-align: right;">Page 90</p> <p>1 Q. You can answer.</p> <p>2 A. Because I thought it was</p> <p>3 justified.</p> <p>4 Q. Well, tell me what you know about</p> <p>5 the actions of George Morris on the night of</p> <p>6 January 16, 2015 to lead you to believe that</p> <p>7 it was justified.</p> <p>8 A. Well, if somebody is irate, you go</p> <p>9 through the procedures, you know. I mean --</p> <p>10 Q. What procedures -- were you</p> <p>11 finished?</p> <p>12 A. Yes.</p> <p>13 Q. What procedures did George Morris</p> <p>14 go through on the night of January 16,</p> <p>15 2015?</p> <p>16 A. Our standard procedures we use.</p> <p>17 Q. And how do you know that?</p> <p>18 A. By the use of force.</p> <p>19 Q. No. How do you know he went</p> <p>20 through those standard procedures that you</p> <p>21 use?</p> <p>22 A. I mean, it's the standard. I</p> <p>23 mean, that's what you do.</p>	<p style="text-align: right;">Page 92</p> <p>1 A. No, sir.</p> <p>2 Q. Okay. Now, before we took a</p> <p>3 break, I was trying and failing miserably to</p> <p>4 ask you a question. You haven't had any</p> <p>5 conversations with George Morris about this</p> <p>6 lawsuit, correct?</p> <p>7 A. No, sir.</p> <p>8 Q. And you haven't had any</p> <p>9 conversations with George Morris about what</p> <p>10 occurred on January 16, 2015?</p> <p>11 A. No, sir.</p> <p>12 Q. And you haven't had any</p> <p>13 conversations with anyone else about George</p> <p>14 Morris' actions on January 16, 2015?</p> <p>15 A. No, sir.</p> <p>16 Q. So because you haven't spoken to</p> <p>17 George Morris and because you haven't spoken</p> <p>18 with anyone else about George Morris'</p> <p>19 actions, how do you know George Morris was</p> <p>20 acting correctly on January 16, 2015?</p> <p>21 A. Acting correctly?</p> <p>22 Q. At the point that he interacted</p> <p>23 with the minor child and tased her.</p>

Jimmy Fazekas**24 (93 - 96)**

<p style="text-align: right;">Page 93</p> <p>1 A. The lawsuit papers, I'm 2 guessing. 3 Q. Which lawsuit papers would lead 4 you to believe that he acted correctly? 5 A. Acted correctly? 6 Q. Yes, sir. 7 A. I mean, I would do the same thing, 8 give verbal commands and then tase somebody 9 because I know how she was acting. She was 10 irate. She was cussing. And that's a 11 justifiable way to do that. 12 Q. Did you see him tase her? 13 A. No. 14 Q. Did you hear her cussing while he 15 tased her? 16 A. No. 17 Q. Did you hear George Morris give a 18 verbal command to the minor before he tased 19 her? 20 A. No. 21 Q. So how do you know he gave a 22 verbal command? 23 A. Just because he's a good officer.</p>	<p style="text-align: right;">Page 95</p> <p>1 that right? 2 MR. STUBBS: Object to the form. 3 4 A. I don't agree with that. 5 Q. You don't. You're just going to 6 take George Morris' side regardless. 7 A. I believe he acted correctly. 8 Q. So you're just going to take 9 George Morris' side regardless; is that 10 right? 11 MR. STUBBS: Object to the form. 12 MR. HOWARD: Object to the form. 13 MR. ANDERSON: Object to the form. 14 15 A. Take his side? 16 Q. Yes. His version of events, 17 you're going to accept, correct? 18 A. I believe he's justified in what 19 he did. 20 Q. Right. I understand that. You've 21 said that. My question is, are you going to 22 accept George Morris' version of events as 23 to what happened even though you didn't</p>
<p style="text-align: right;">Page 94</p> <p>1 I mean, that's the proper way to do 2 things. 3 Q. Right. I understand that's the 4 proper way to do things. How do you know 5 George Morris did things properly on January 6 16, 2015? 7 A. Because he's a law enforcement 8 officer. I wouldn't think any different. 9 Q. So you think every law enforcement 10 officer always does things the right way 11 every time. 12 MR. STUBBS: Object to the form. 13 14 Q. Is that correct? 15 A. I would hope so. 16 Q. You would hope so, but do you have 17 proof that -- 18 A. It depends on the situation. I 19 mean, that could go all the way around. I 20 don't know. 21 Q. So sitting here today, you would 22 have to agree with me that it's possible 23 George Morris did not act correctly; isn't</p>	<p style="text-align: right;">Page 96</p> <p>1 witness any of it? 2 A. I'm just saying that -- yes. If 3 he did it properly, yes. 4 Q. If he did it properly. 5 A. Yes. 6 Q. Okay. That's still not the answer 7 to the question though. My question is, 8 sitting here today, are you going to accept 9 George Morris' version of events even though 10 you didn't witness it? And a simple yes or 11 no will -- 12 A. Yes. 13 Q. Okay. So you're going to believe 14 him over the minor's version of events 15 regardless. 16 A. By what I saw. 17 Q. Right. And you didn't see the 18 interaction between George Morris and the 19 minor, right? 20 A. I saw her cussing and kicking and 21 yelling. 22 Q. Did you see George Morris standing 23 over the minor?</p>

Jimmy Fazekas**25 (97 - 100)**

Page 97	Page 99
<p>1 A. He was over there near her, yes.</p> <p>2 Q. Did you see him give her a verbal</p> <p>3 command?</p> <p>4 A. No.</p> <p>5 Q. Did you hear him give her a verbal</p> <p>6 command?</p> <p>7 A. No.</p> <p>8 Q. So you don't have any proof that</p> <p>9 he gave her a verbal command, do you?</p> <p>10 A. No, I don't.</p> <p>11 Q. But you're still going to believe</p> <p>12 him over her, correct?</p> <p>13 A. Yes.</p> <p>14 Q. Would you believe George Morris</p> <p>15 over Justin Gilliland?</p> <p>16 MR. HOWARD: Object to the form.</p> <p>17</p> <p>18 Q. You can answer.</p> <p>19 A. I don't understand that question,</p> <p>20 what you're asking.</p> <p>21 Q. Well, I want you to assume that</p> <p>22 George Morris says he tased the minor one</p> <p>23 time.</p>	<p>1 you believe him more than you would believe</p> <p>2 Justin Gilliland?</p> <p>3 MR. ANDERSON: Object to the form.</p> <p>4</p> <p>5 A. You're just asking me questions I</p> <p>6 don't know.</p> <p>7 Q. Well, these are questions that are</p> <p>8 being spurred by your responses because</p> <p>9 you've already testified you weren't present</p> <p>10 at the time George Morris used his taser,</p> <p>11 right?</p> <p>12 A. Correct, yes.</p> <p>13 Q. But you still believe his version</p> <p>14 of events, right?</p> <p>15 A. Yes.</p> <p>16 Q. And that's because he's a police</p> <p>17 officer, right?</p> <p>18 A. I mean, he's an honest police</p> <p>19 officer, yes.</p> <p>20 Q. Okay. Do you know if Justin</p> <p>21 Gilliland has ever been disciplined by the</p> <p>22 Rainbow City Police Department?</p> <p>23 A. I've heard it, but I don't know</p>
Page 98	Page 100
<p>1 A. Okay.</p> <p>2 Q. I want you to assume Justin</p> <p>3 Gilliland says that George Morris tased the</p> <p>4 minor more than one time. Who do you</p> <p>5 believe?</p> <p>6 MR. HOWARD: Object to the form.</p> <p>7 MR. ANDERSON: Object to the form.</p> <p>8 MR. STUBBS: Same objection.</p> <p>9</p> <p>10 A. George because he was there.</p> <p>11 Q. So you would believe George Morris</p> <p>12 over Justin Gilliland.</p> <p>13 A. Because he was the one in</p> <p>14 action.</p> <p>15 Q. Well, what if Justin was also</p> <p>16 present holding the minor's head at the time</p> <p>17 George Morris was in action?</p> <p>18 MR. HOWARD: Object to the form.</p> <p>19</p> <p>20 Q. Would you still believe George</p> <p>21 over Justin?</p> <p>22 A. If that's what George said, yes.</p> <p>23 Q. What is it about George that makes</p>	<p>1 personally.</p> <p>2 Q. What have you heard?</p> <p>3 A. I've heard he's been suspended</p> <p>4 before.</p> <p>5 Q. For what?</p> <p>6 A. I don't know. Nobody ever knew.</p> <p>7 They just knew he was gone a week and it</p> <p>8 wasn't vacation.</p> <p>9 Q. Have you ever been disciplined by</p> <p>10 the Rainbow City Police Department?</p> <p>11 A. I believe I was wrote up maybe one</p> <p>12 time for missing court on a court transport,</p> <p>13 day court.</p> <p>14 Q. Let me show you what I will mark</p> <p>15 as Plaintiff's Exhibit Number 4 to your</p> <p>16 deposition. And by way of further</p> <p>17 identification, it's Bate stamped Rainbow</p> <p>18 City 000399.</p> <p>19</p> <p>20</p> <p>21 (Plaintiff's Exhibit Number 4 was</p> <p>22 marked for identification and same is</p> <p>23 attached hereto.)</p>

Jimmy Fazekas**26 (101 - 104)**

Page 101	Page 103
<p>1</p> <p>2 Q. See if you recognize that</p> <p>3 document.</p> <p>4 A. (Witness reviewing document.) I</p> <p>5 do, yes.</p> <p>6 Q. And what type of document is that?</p> <p>7 A. It's for secondary employment.</p> <p>8 Q. And when we were visiting earlier</p> <p>9 about Family Savings Credit Union, this is</p> <p>10 the document you were referencing when you</p> <p>11 said you would have to fill out a document,</p> <p>12 right?</p> <p>13 A. Yes.</p> <p>14 Q. And when you fill out this</p> <p>15 document with the Rainbow City Police</p> <p>16 Department, they ask questions such as</p> <p>17 whether or not alcoholic beverages are going</p> <p>18 to be consumed, right?</p> <p>19 A. Yes.</p> <p>20 Q. And then they ask whether they</p> <p>21 have liability insurance, the secondary</p> <p>22 employer, right?</p> <p>23 A. Yes.</p>	<p>1 Q. I think you just mentioned that</p> <p>2 you were wrote up for not showing up at the</p> <p>3 court detail; is that right?</p> <p>4 A. Yes.</p> <p>5 Q. And is this the document that</p> <p>6 reflects that write-up?</p> <p>7 A. Yes.</p> <p>8 Q. And that happened in 2014?</p> <p>9 A. Yes.</p> <p>10 Q. You were a detective at that time,</p> <p>11 right?</p> <p>12 A. Yes.</p> <p>13 Q. Now, who was your supervisor,</p> <p>14 Sergeant Spurling?</p> <p>15 A. Captain Jenkins.</p> <p>16 Q. Is that Captain Jenkins' signature</p> <p>17 where it says supervisor, manager there?</p> <p>18 A. That's Tommy Spurling's signature.</p> <p>19 Q. So was Tommy Spurling your</p> <p>20 supervisor, or was Captain Jenkins --</p> <p>21 A. He was over the court detail. He</p> <p>22 was a sergeant over the court detail.</p> <p>23 Q. Okay. Let me show you what I will</p>
Page 102	Page 104
<p>1 Q. And you don't recall having to</p> <p>2 fill out a document like this those eleven</p> <p>3 times you worked at Center Stage; is that</p> <p>4 right?</p> <p>5 A. I don't remember, no, sir.</p> <p>6 Q. How did Family Savings Credit</p> <p>7 Union pay you?</p> <p>8 A. A check.</p> <p>9 Q. And did you get any type of tax</p> <p>10 documentation at the end of the year from</p> <p>11 Family Savings?</p> <p>12 A. Yes.</p> <p>13 Q. You got a 1099?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. I'm going to mark as</p> <p>16 Plaintiff's Exhibit Number 5 to your</p> <p>17 deposition what's Bate stamped Rainbow City</p> <p>18 document 000394.</p> <p>19</p> <p>20 (Plaintiff's Exhibit Number 5 was</p> <p>21 marked for identification and same is</p> <p>22 attached hereto.)</p> <p>23</p>	<p>1 mark as Plaintiff's Exhibit Number 6 to your</p> <p>2 deposition.</p> <p>3</p> <p>4</p> <p>5 (Plaintiff's Exhibit Number 6 was</p> <p>6 marked for identification and same is</p> <p>7 attached hereto.)</p> <p>8</p> <p>9 Q. At one point, did you wreck a</p> <p>10 Crown Vic in the Western Sizzlin parking</p> <p>11 lot?</p> <p>12 A. Yes, sir.</p> <p>13 Q. And Detective Gilliland was with</p> <p>14 you at that time, right?</p> <p>15 A. Yes.</p> <p>16 Q. Had you and Detective Gilliland</p> <p>17 been drinking that night?</p> <p>18 A. It was at daytime. I was on</p> <p>19 shift.</p> <p>20 Q. But had you been drinking?</p> <p>21 A. No.</p> <p>22 Q. What led to the accident?</p> <p>23 A. I just didn't see a pole and just</p>

Jimmy Fazekas**27 (105 - 108)**

<p style="text-align: right;">Page 105</p> <p>1 backed into it. I believe we were eating at 2 Western Sizzlin for lunch. 3 Q. Do you know if Detective Gilliland 4 was ever suspended for drinking and getting 5 into a Rainbow City police vehicle? 6 A. I don't know about that, no. 7 Q. Okay. I'm going to mark this as 8 Plaintiff's Exhibit Number 7 to your 9 deposition. And by way of further 10 identification, it's Rainbow City 000381. 11 12 13 (Plaintiff's Exhibit Number 7 was 14 marked for identification and same is 15 attached hereto.) 16 17 A. (Witness reviewing document.) 18 Q. That's your letter of resignation, 19 correct? 20 A. Yes. 21 Q. And you are informing them that 22 you are resigning as of -- your last day 23 would be October 1st, 2015, right?</p>	<p style="text-align: right;">Page 107</p> <p>1 in the initial disclosures. And that's the 2 statement of Justin Gilliland. 3 4 5 (Plaintiff's Exhibit Number 8 was 6 marked for identification and same is 7 attached hereto.) 8 9 A. (Witness reviewing document.) 10 Q. Is this the first time you're 11 seeing this statement? 12 A. Yes. 13 Q. Have you ever read this statement 14 before today? 15 A. No, sir. 16 Q. This is the first time you've ever 17 seen this statement? 18 A. Yes. 19 Q. If you would, go down with me to 20 the fourth paragraph on the first page. It 21 starts with just as the concert was ending. 22 A. Okay. 23 Q. And I want to pick up with, I then</p>
<p style="text-align: right;">Page 106</p> <p>1 A. Yes. 2 Q. Have you had the opportunity to 3 read Justin Gilliland's statement in this 4 matter? 5 A. Sir? 6 Q. Have you ever read the statement 7 given by Justin Gilliland in this matter? 8 A. I don't recall. No, sir. 9 Q. Are you aware that he gave a 10 statement in this matter? 11 A. Yes. 12 Q. How are you aware that he gave a 13 statement in this matter? 14 A. Because somebody asked us to write 15 statements, so I figured he had to write a 16 statement if I had to write one. 17 Q. All right. Has it come back into 18 your recollection who asked you to write 19 this statement? 20 A. I don't recall. No, sir. 21 Q. All right. Let me show you what I 22 will mark as Plaintiff's Exhibit Number 8. 23 That's an un-Bate stamped document produced</p>	<p style="text-align: right;">Page 108</p> <p>1 motioned Detective Fazekas with my 2 flashlight. And when Detective Gilliland 3 wrote this, you testified earlier that he 4 did motion you with his flashlight, right? 5 You saw Detective Gilliland at some point 6 motion you with his flashlight. 7 A. Yes, sir. 8 Q. And that was your predetermined 9 signal that you needed help or that one of 10 the officers needed help. 11 A. That's right. 12 Q. And then if you go down with me to 13 the third line from the bottom in the last 14 full paragraph, as I was holding the 15 female's head, Detective Fazekas finally 16 made his way down to me. Do you see that? 17 A. Yes. 18 Q. I immediately stated to Detective 19 Fazekas that the female was having a 20 seizure. So at that point, Mr. Gilliland 21 told you that he felt the female was having 22 a seizure, right? 23 A. I don't recall hearing that. I</p>

Jimmy Fazekas**28 (109 - 112)**

<p style="text-align: right;">Page 109</p> <p>1 mean, the music was going.</p> <p>2 Q. Okay. If he says he told you,</p> <p>3 would you have any reason to dispute this?</p> <p>4 A. No.</p> <p>5 Q. And then we needed to make sure</p> <p>6 she -- and I'm reading on the second page --</p> <p>7 did not harm herself; is that right? That's</p> <p>8 what he has written here?</p> <p>9 A. Yes, sir.</p> <p>10 Q. All right. Look at this left-hand</p> <p>11 side over here. And go down to the line</p> <p>12 that starts with trying. Do you see that?</p> <p>13 A. Yes.</p> <p>14 Q. Trying to bite me. Now, the next</p> <p>15 full sentence after that starts, at that</p> <p>16 time, I witnessed Sergeant George Morris</p> <p>17 advise the subject that if she did not</p> <p>18 wanted (sic) to be tased, then she should</p> <p>19 stop fighting the officers. Do you see</p> <p>20 that?</p> <p>21 A. Yes.</p> <p>22 Q. Did you hear Officer Morris tell</p> <p>23 the female if she did not want to be tased,</p>	<p style="text-align: right;">Page 111</p> <p>1 Q. Do you have any reason to dispute</p> <p>2 what Detective Gilliland says when he says</p> <p>3 he saw Sergeant Morris drive stun her?</p> <p>4 A. No, sir.</p> <p>5 Q. After Sergeant Morris drive</p> <p>6 stunned the female, she looked at him and</p> <p>7 said, yeah, tase me again, mother fucker.</p> <p>8 Do you see that?</p> <p>9 A. Yes.</p> <p>10 Q. Did you hear the female say</p> <p>11 that?</p> <p>12 A. No.</p> <p>13 Q. Did you see Sergeant Morris then</p> <p>14 advise the female subject that if she would</p> <p>15 stop fighting, he would not tase her</p> <p>16 anymore? Did you see that?</p> <p>17 A. No.</p> <p>18 Q. Were you looking at the female at</p> <p>19 all during the time this would have</p> <p>20 occurred?</p> <p>21 A. There was a lot of officers over</p> <p>22 there, so I --</p> <p>23 Q. What were the officers doing?</p>
<p style="text-align: right;">Page 110</p> <p>1 she should stop fighting the officers?</p> <p>2 A. No.</p> <p>3 Q. Okay. The next sentence says, the</p> <p>4 female subject kept fighting the officers</p> <p>5 and then stated to Sergeant Morris, yeah, go</p> <p>6 ahead and tase me, mother fucker. Did you</p> <p>7 hear her say that?</p> <p>8 A. No.</p> <p>9 Q. Were you still there at that</p> <p>10 point?</p> <p>11 A. I was out at the front trying to</p> <p>12 clear everybody.</p> <p>13 Q. Were you within communication</p> <p>14 distance with Detective Gilliland?</p> <p>15 A. Probably ten feet.</p> <p>16 Q. Could you hear him?</p> <p>17 A. Could I hear him, no. Not at that</p> <p>18 point, no.</p> <p>19 Q. Okay. Well, let's keep reading.</p> <p>20 I then witnessed Sergeant Morris drive stun</p> <p>21 the female subject for a few seconds. But</p> <p>22 you didn't witness that, right?</p> <p>23 A. No, sir.</p>	<p style="text-align: right;">Page 112</p> <p>1 A. Just around her, I guess. And I</p> <p>2 was at the door trying to keep the crowd</p> <p>3 away.</p> <p>4 Q. Were the officers that were around</p> <p>5 the female on the floor, were they standing</p> <p>6 or kneeling?</p> <p>7 A. For the most part, she was on the</p> <p>8 ground so they would be kneeling.</p> <p>9 Q. Okay. So you had a lot of</p> <p>10 officers kneeling around the female on the</p> <p>11 ground, right? This is the same female that</p> <p>12 you had seen brought to the lobby,</p> <p>13 correct?</p> <p>14 A. Yes.</p> <p>15 Q. And this is the same female that</p> <p>16 you assumed when you saw her in the crowd,</p> <p>17 you assumed she was having a seizure,</p> <p>18 correct?</p> <p>19 A. Yes.</p> <p>20 Q. And this is the same female that</p> <p>21 when you saw her in the lobby, she fell out</p> <p>22 of the chair and had another seizure,</p> <p>23 right?</p>

Jimmy Fazekas**29 (113 - 116)**

<p style="text-align: right;">Page 113</p> <p>1 A. Yes.</p> <p>2 Q. Based upon your written</p> <p>3 recollection. And then you say there were a</p> <p>4 lot of officers around this same female whom</p> <p>5 you guys have held down to keep her from</p> <p>6 hurting herself, correct?</p> <p>7 A. Yes, sir.</p> <p>8 Q. All right. Do you see where it</p> <p>9 says, fuck you, pig right there?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Okay. And it says, I then</p> <p>12 witnessed Sergeant Morris drive stun the</p> <p>13 female again. While Sergeant Morris was</p> <p>14 tasing the female the second time, I felt</p> <p>15 something pushing me in the back. Now,</p> <p>16 remember, these are Detective Gilliland's</p> <p>17 words. Okay?</p> <p>18 A. Okay.</p> <p>19 Q. While holding the female's head so</p> <p>20 she couldn't bite, I turned and looked</p> <p>21 behind me and an older female subject was</p> <p>22 yelling stop, stop tasing her. Did you see</p> <p>23 or hear this older female?</p>	<p style="text-align: right;">Page 115</p> <p>1 were about ten feet away from the female on</p> <p>2 the floor, correct?</p> <p>3 MR. STUBBS: At what point in</p> <p>4 time?</p> <p>5 MR. HARP: At any point in time</p> <p>6 after he went to the doors to secure the</p> <p>7 area.</p> <p>8</p> <p>9 Q. Right?</p> <p>10 A. Yes. I mean, approximate. I</p> <p>11 didn't measure it.</p> <p>12 Q. I understand. But you were far</p> <p>13 enough away that you couldn't hear Detective</p> <p>14 Gilliland, right?</p> <p>15 A. It depends on what tone of voice.</p> <p>16 I mean, I --</p> <p>17 Q. Well, do you recall hearing</p> <p>18 Detective Gilliland at all that night?</p> <p>19 A. No, not then. Not on that. I</p> <p>20 didn't hear that.</p> <p>21 Q. Okay. So Mr. Gilliland says, at</p> <p>22 that point, the older female subject kept</p> <p>23 getting in my way, and I realized that I</p>
<p style="text-align: right;">Page 114</p> <p>1 A. Did I hear her saying that to --</p> <p>2 Q. To Morris who was tasing her.</p> <p>3 A. No.</p> <p>4 Q. Okay. I then heard an officer</p> <p>5 tell the older female that we were trying to</p> <p>6 help the younger female subject and she</p> <p>7 needed to get back and get out of the way.</p> <p>8 Do you know who that other officer that</p> <p>9 Mr. Gilliland is talking about here was?</p> <p>10 A. I do not know who it could be. I</p> <p>11 mean, it wasn't me.</p> <p>12 Q. Okay. You know it wasn't you.</p> <p>13 A. It wasn't me.</p> <p>14 Q. At that point, the older female</p> <p>15 subject kept getting in my way, and I</p> <p>16 realized I could no longer hold the younger</p> <p>17 female's head and defend myself against the</p> <p>18 older female. Now, keep in mind, Detective</p> <p>19 Gilliland has written in his statement that</p> <p>20 he's at the female and he's holding her</p> <p>21 head, correct?</p> <p>22 A. Yes.</p> <p>23 Q. You've testified today that you</p>	<p style="text-align: right;">Page 116</p> <p>1 could no longer hold the younger female's</p> <p>2 head and defend myself against the older</p> <p>3 female. Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. I then turned to Detective</p> <p>6 Fazekas and yelled for him to get the older</p> <p>7 female off my back. Do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. At what point did that happen in</p> <p>10 your narrative?</p> <p>11 A. When she probably got away from me</p> <p>12 from her arm, I guess. After I grabbed her</p> <p>13 arm, she got away from me.</p> <p>14 Q. Well, now, if you go back to your</p> <p>15 statement, which is Plaintiff's Exhibit</p> <p>16 Number 2, go with me to the second page.</p> <p>17 A. Okay.</p> <p>18 Q. We're going down to the third</p> <p>19 paragraph and go over to the line that</p> <p>20 starts with don't care on the left-hand</p> <p>21 side. Do you see that?</p> <p>22 A. Okay.</p> <p>23 Q. It says, the female, later</p>

Jimmy Fazekas**30 (117 - 120)**

Page 117

1 identified as Michelle Helm, pulled away
 2 from me and ran toward her daughter and the
 3 other police officers. Now, those are your
 4 words, right?
 5 A. Yes.
 6 Q. Officer Morgan grabbed the female
 7 to tell her to get back, and she cussed at
 8 him and pulled away. Do you see that?
 9 A. Yes.
 10 Q. I then noticed Officer Morgan
 11 drive stun Michelle Helm with his taser.
 12 Did I read that right?
 13 A. Yes.
 14 Q. I then tried to detain Michelle
 15 Helm on the ground and place her in cuffs to
 16 take control of the situation. Do you see
 17 that?
 18 A. Yes.
 19 Q. Michelle Helm continued to pull
 20 away and wiggle so I could not get her
 21 hands. And Detective Gilliland came over to
 22 help pull her away from the area where her
 23 daughter was having seizures for safety

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1 reasons. Do you see that?
 2 A. Yes.
 3 Q. Now, in your statement, do you
 4 ever say that the older female that you
 5 later identified as Michelle Helm was on
 6 Detective Gilliland's back?
 7 A. No. That's not in my statement.
 8 Q. In your statement, do you mention
 9 that Detective Gilliland turned and yelled
 10 to you to get her off your back?
 11 A. No.
 12 Q. In your statement, do you see
 13 anywhere -- strike that. Let's go back to
 14 Detective Gilliland's statement on the
 15 second page. And we're down to the fourth
 16 line from the bottom. The sentence starts
 17 with at that time.
 18 A. Yes.
 19 Q. At that time, I witnessed
 20 Detective Fazekas try to grab the older
 21 female's arm and pull her back out of the
 22 way. Do you see that?
 23 A. Yes.

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1 Q. Now, did you ever get closer to
 2 Detective Gilliland where he was with the
 3 female lying on the ground and he was
 4 holding her head than the approximate ten
 5 feet that you testified to earlier?
 6 MR. STUBBS: Object to the form.
 7
 8 A. If she was trying to run from me,
 9 yes, I probably moved in closer.
 10 Q. And when you moved in closer, did
 11 you ever have to get her off of Detective
 12 Gilliland's back?
 13 A. I don't remember. No, I don't
 14 recall that.
 15 Q. Because you would have put that in
 16 your statement if that had happened, right?
 17 A. Uh-huh (affirmative response).
 18 Q. Because you were a detective on
 19 January 16, 2015, right?
 20 A. Yes.
 21 Q. And you knew that if you were
 22 writing a narrative on an official police
 23 record, it's important to put all the

Page 120

1 details in the narrative, correct?
 2 MR. HOWARD: Object to the form.
 3
 4 Q. Is that right?
 5 A. Yes.
 6 Q. And you would agree that it would
 7 have been a pretty significant detail if you
 8 had witnessed Michelle Helm on a police
 9 officer's back, correct?
 10 A. Yes.
 11 Q. And the reason that would have
 12 been a pretty significant detail if you had
 13 witnessed that is what?
 14 A. Repeat that.
 15 Q. Well, if Michelle Helm had jumped
 16 on Detective Gilliland's back, would that
 17 have been a crime?
 18 A. Oh, yes.
 19 Q. And that's something that you
 20 would have put in your narrative, right?
 21 A. Yes.
 22 Q. What would that crime have been on
 23 January 16, 2015?

Jimmy Fazekas**31 (121 - 124)**

<p style="text-align: right;">Page 121</p> <p>1 A. If she jumped on his back?</p> <p>2 Q. Yes, sir.</p> <p>3 A. An assault.</p> <p>4 Q. Of?</p> <p>5 A. A police officer.</p> <p>6 Q. And that's an elevated assault,</p> <p>7 correct?</p> <p>8 A. Yes.</p> <p>9 Q. That's not just Mr. Stone</p> <p>10 assaulting me. That's assaulting a police</p> <p>11 officer, right?</p> <p>12 A. Yes.</p> <p>13 Q. That's felonious, right?</p> <p>14 A. Yes.</p> <p>15 Q. And that's something you would</p> <p>16 have put in your report if you had seen</p> <p>17 that, correct?</p> <p>18 A. Yes.</p> <p>19 Q. And that's something she should</p> <p>20 have been charged with if that had happened,</p> <p>21 correct?</p> <p>22 MR. STUBBS: Object to the form.</p> <p>23</p>	<p style="text-align: right;">Page 123</p> <p>1 Q. The older female refused and began</p> <p>2 yelling let me go. At that point, I got</p> <p>3 behind the female subject and grabbed her</p> <p>4 under the armpits. I pulled her backwards</p> <p>5 and escorted the female subject out the door</p> <p>6 and to the front of the building. Do you</p> <p>7 see that?</p> <p>8 A. Yes.</p> <p>9 Q. Now, do you see any mention in</p> <p>10 what I just read of your actions during that</p> <p>11 time?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. When he says he pulled the</p> <p>14 female out of the door to the front of the</p> <p>15 building, that complies with what you wrote</p> <p>16 about Detective Gilliland coming over and</p> <p>17 pulling her away from the area, right? Go</p> <p>18 back to the second page, the third</p> <p>19 paragraph, the second to the last sentence.</p> <p>20 A. Yes.</p> <p>21 Q. Okay. So you two are on the same</p> <p>22 page about Detective Gilliland pulling the</p> <p>23 female out of the building, right?</p>
<p style="text-align: right;">Page 122</p> <p>1 A. Should have been charged?</p> <p>2 Q. Yes. I mean, she went to jail,</p> <p>3 right?</p> <p>4 A. Yes.</p> <p>5 Q. But she didn't go to jail for a</p> <p>6 felony, right?</p> <p>7 A. No, she didn't.</p> <p>8 Q. She went to jail for disorderly</p> <p>9 conduct; is that right?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. Now, go back to Detective</p> <p>12 Gilliland's statement. When I saw that</p> <p>13 Detective Fazekas could not get ahold -- I'm</p> <p>14 on the third line from the bottom. When I</p> <p>15 saw that Detective Fazekas could not get</p> <p>16 ahold of the older female and move her away</p> <p>17 from the situation, I immediately let go of</p> <p>18 the younger female's head. I immediately</p> <p>19 told the older female subject that she</p> <p>20 needed to move away from the officers and</p> <p>21 let us tend to the younger female. Did I</p> <p>22 read that correctly?</p> <p>23 A. Yes.</p>	<p style="text-align: right;">Page 124</p> <p>1 A. Yes.</p> <p>2 Q. After she was stunned, drive</p> <p>3 stunned by Officer Morgan, right?</p> <p>4 A. Yes.</p> <p>5 Q. And then Detective Gilliland, or</p> <p>6 Justin Gilliland now, says, at no time did</p> <p>7 I, Detective Gilliland, place the older</p> <p>8 female under arrest. I'm sorry. We're back</p> <p>9 on the last page of Detective Gilliland's,</p> <p>10 the first paragraph, the third from the last</p> <p>11 line. Do you see that?</p> <p>12 A. Okay.</p> <p>13 Q. So did Michelle Helm ever knock</p> <p>14 you off your feet?</p> <p>15 A. She knocked me back.</p> <p>16 Q. Did she ever knock you off your</p> <p>17 feet?</p> <p>18 A. I never landed on the ground,</p> <p>19 no.</p> <p>20 Q. Okay. Had you identified yourself</p> <p>21 as a police officer at the point that</p> <p>22 Michelle Helm bumped into you initially?</p> <p>23 MR. STUBBS: Object to the form.</p>

Jimmy Fazekas**32 (125 - 128)**

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1

2 Q. You can answer.

3 A. No.

4 Q. Were you wearing a uniform that

5 night?

6 A. A detective's uniform, yes.

7 Q. Were you wearing a jacket over

8 that uniform?

9 A. No, sir.

10 Q. Are you sure?

11 A. Yes. A Polo. I'm pretty sure I

12 had a Polo on.

13 Q. You didn't have on a jacket that

14 night?

15 A. Most of the time, we didn't wear

16 jackets with our detective gear.

17 Q. Could it have been a North Face

18 jacket? Did you own a North Face jacket?

19 A. Yes. I did have a black jacket.

20 Q. Were you wearing that jacket that

21 night?

22 A. I believe I was, yes.

23 Q. And were you wearing it over your

Page 126

1 Polo?

2 A. Yes.

3 Q. And does the North Face jacket

4 have a police badge on it?

5 A. No, sir.

6 Q. If you were wearing that jacket

7 that night, would there have been any way

8 for Michelle Helm to tell from your physical

9 appearance that you were a police officer

10 before she bumped into you?

11 A. If I had a jacket covering the

12 badge? Is that what you're asking?

13 Q. Yes, sir.

14 A. Not if it's covering the badge, I

15 wouldn't guess.

16 Q. Okay. So you didn't identify

17 yourself as a police officer before she

18 bumped into you; is that right?

19 MR. STUBBS: Object to the form.

20

21 Q. Is that right?

22 A. I didn't.

23 Q. And if you were wearing a jacket

Page 127

1 that was covering the badge on your police

2 Polo, she wouldn't have been able to see the

3 badge, right?

4 A. Right.

5 Q. All right. Did you know Jamon

6 Palmer before January 16, 2015?

7 A. I knew of him, yes.

8 Q. How did you know of him?

9 A. A traffic stop and just all

10 around, just knew who he was.

11 Q. Did you ever see Greg Carroll

12 around the minor female while she was being

13 held down by the other police officers?

14 MR. STUBBS: Object to the form.

15

16 Q. You can answer.

17 A. No.

18 Q. Did you ever see Greg Carroll in

19 the lobby of Center Stage?

20 A. Yes.

21 Q. That's a bad question. Did you

22 ever see Greg Carroll in the lobby of Center

23 Stage after the female who was having

Page 128

1 seizures was brought to the lobby?

2 A. Yes.

3 Q. Did you see Greg Carroll in the

4 lobby of Center Stage between the time the

5 female was brought to the lobby and between

6 the time that Michelle Helm was pulled out

7 of the lobby by Detective Gilliland?

8 A. Yes.

9 Q. And what was Greg Carroll doing?

10 A. He was around the female.

11 Q. The female who was on the ground.

12 A. Yes.

13 Q. The female who was being held down

14 by the officers; is that correct?

15 MR. STUBBS: Object to the form.

16 MR. HOWARD: Object to the form.

17 MR. ANDERSON: Object to the form.

18

19 A. Yes.

20 Q. Did you ever hear Greg Carroll

21 tell George Morris not to tase the female?

22 A. No.

23 Q. At the time that the female was

Jimmy Fazekas**33 (129 - 132)**

Page 129

1 brought to the lobby, did you recognize that
 2 the female was a minor?
 3 A. No, I did not.
 4 Q. If you had known that the female
 5 was a minor, would you have taken some
 6 different course of action related to her
 7 treatment and care?
 8 A. Not the way she was acting, no.
 9 Q. Okay. Well, I'm talking about
 10 when she was having a seizure.
 11 A. Oh, treatment and care is what
 12 you're asking.
 13 Q. Yes.
 14 A. No.
 15 Q. So you say, not because of the way
 16 she was acting. What do you mean by that?
 17 A. I thought you were asking if she
 18 was a minor as far as the tasing procedure.
 19 Q. So if you had been in George
 20 Morris' position and you believed George
 21 Morris' version of events, you would have
 22 done the exact same thing?
 23 A. Yes.

Page 130

1 Q. Is that the policy of Rainbow
 2 City?
 3 A. Verbal commands and then tase if
 4 they're not complying.
 5 Q. Now, did you go through taser
 6 training?
 7 A. Yes.
 8 Q. When you went through taser
 9 training, did you get any instruction on
 10 when you should use a taser on an
 11 individual?
 12 A. When they're not following verbal
 13 commands, that would be the next step.
 14 Q. And who gave you that training?
 15 A. Chase Jenkins and Bryant.
 16 Q. So the only training you have on
 17 the taser regarding the use of tasers and
 18 when they're not following a verbal command
 19 came from two Rainbow City police officers,
 20 right?
 21 A. Right.
 22 Q. And you received certification for
 23 that, right?

Page 131

1 A. Right.
 2 Q. And that was in 2010?
 3 A. I believe so, yes.
 4 Q. I'm going to mark this as
 5 Plaintiff's Exhibit Number 9. It's Bate
 6 stamped Rainbow City document 000495.
 7
 8
 9 (Plaintiff's Exhibit Number 9 was
 10 marked for identification and same is
 11 attached hereto.)
 12
 13
 14 Q. Do you recognize that document?
 15 A. Yes.
 16 Q. What is that document?
 17 A. It's a taser training certificate.
 18 Q. Who is that certificate issued
 19 to?
 20 A. Me.
 21 Q. And who is the instructor there?
 22 A. Chase Jenkins.
 23 Q. So is that 2010 document the only

Page 132

1 training you've had on the use of a taser
 2 since you've been a Rainbow City police
 3 officer?
 4 MR. STUBBS: Object to the form.
 5
 6 Q. You can answer.
 7 A. And Bryant.
 8 Q. I'm sorry. Besides John Bryant.
 9 Was that a different training than this
 10 training in 2010?
 11 A. It's more of a review is what I
 12 would call it.
 13 Q. That's right. And you don't
 14 remember what material he used to give that
 15 review?
 16 A. No, sir.
 17 Q. Okay. So is it your testimony
 18 then that on January 16, 2015, it was the
 19 policy of Rainbow City in regards to the use
 20 of a taser that you could use that taser on
 21 someone if they are not complying with
 22 verbal commands?
 23 A. Yes.

Jimmy Fazekas**34 (133 - 136)**

Page 133

1 Q. How many verbal commands would
2 they have to not comply with before you
3 could use the taser?
4 A. I don't recall what the policy
5 stated.
6 Q. What is level three or higher
7 resistance?
8 A. I don't remember.
9 Q. You don't remember the levels?
10 A. It would probably be possibly soft
11 hand, hard hand or verbals, soft hand and
12 then possibly --
13 Q. So knowing what you know about the
14 situation, what crime, if any, had the minor
15 committed on January 16, 2015 at the time
16 she was tased by George Morris?
17 A. Disorderly conduct.
18 Q. Was she charged with disorderly
19 conduct?
20 A. I do not know.
21 Q. Now, you said disorderly conduct.
22 When did she become disorderly?
23 A. When she was screaming and yelling

Page 134

1 and cussing.
2 Q. Had you ever seen anyone have a
3 seizure before?
4 A. No, sir.
5 Q. How do you know -- you're not a
6 medical doctor, right?
7 A. No, sir.
8 Q. Have you ever been to medical
9 school?
10 A. No, sir.
11 Q. Have you ever had any kind of
12 medical training?
13 A. No, sir.
14 Q. EMT or anything?
15 A. No, sir.
16 Q. How do you know that the actions
17 of the minor on January 16, 2015 were not
18 related to the seizure?
19 A. How do I know they were not?
20 Q. Yes, sir.
21 A. I don't know that.
22 Q. So you don't know whether or not
23 she was intentionally being disorderly or

Page 135

1 whether or not she was just having effects
2 of a seizure, right?
3 A. I believe she was being disorderly
4 by what I saw.
5 Q. Well, you believe that, but you
6 don't know that, right?
7 MR. HOWARD: Object to the form.
8
9 A. I'm not a medical doctor.
10 Q. Right. You believe that, so you
11 don't know that, right?
12 A. I believe that, yes.
13 Q. But you don't know that.
14 MR. HOWARD: Object to the form.
15
16 Q. You can answer.
17 A. I don't know that for sure, no.
18 Q. If the effects of the seizure was
19 what was causing the minor to act the way
20 that she was acting, that she is alleged to
21 have been acting, do you still believe
22 George Morris was justified in tasing her?
23 MR. HOWARD: Object to the form.

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1 MR. STUBBS: Object to the form.
2 MR. ANDERSON: Object to the form.
3
4 A. By what I saw and the way she was
5 acting, she knew what she was doing by what
6 I saw.
7 Q. Did you have a conversation with
8 her?
9 A. No. I could just tell by her
10 face. I mean, I've been around a lot of
11 folks that's been disorderly.
12 Q. So from ten feet away when she was
13 surrounded by police officers, you could
14 tell that she knew what she was doing.
15 A. I wasn't always ten feet away.
16 Q. Well, when were you closer?
17 A. At the beginning when she first
18 was in there and she had the seizure and she
19 came out when I was holding her hips.
20 Q. Right. What was she doing?
21 A. Cussing and yelling. When she
22 came out --
23 Q. Was it against the law to cuss in

Jimmy Fazekas**35 (137 - 140)**

Page 137

1 Rainbow City on January 16, 2015?

2 A. Disorderly, yes.

3 Q. Was it against the law to cuss?

4 A. Being disorderly, yes, in a

5 crowd.

6 Q. Well, that was the same crowd that

7 you had smelled marijuana smoke, correct?

8 A. Yes.

9 Q. That was the same crowd where

10 there was a rapper on the stage using

11 explicit lyrics, correct?

12 A. Yes.

13 Q. That was the same crowd that you

14 testified was the most rambunctious, I

15 believe is the word that you used, crowd

16 that you had ever seen at Center Stage,

17 right?

18 A. Yes.

19 Q. So did you hear other cuss words

20 that night, or was that the only cuss words

21 you heard, coming from the minor?

22 A. Besides from the minor? Is that

23 what you mean?

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1 Q. Besides the minor, did you hear

2 any other cursing that night?

3 A. On stage, for sure.

4 Q. What about off stage?

5 A. It was so loud, I didn't get to

6 hear hardly anything.

7 Q. What about the two subjects who

8 were rolling around on the floor fighting,

9 were they being disorderly when you and

10 Detective Gilliland left the minor that was

11 on the floor having seizures and went back

12 into the concert hall?

13 MR. STUBBS: Object to the form.

14

15 A. When I got there, it was already

16 over with.

17 Q. Would it be considered disorderly

18 conduct to fight?

19 A. Yes.

20 Q. Were they tased to your

21 knowledge?

22 A. To my knowledge, they were not.

23 Q. Was anyone else tased that night

Page 139

1 to your knowledge besides Michelle Helm and

2 her daughter?

3 A. No, not to my knowledge.

4 Q. So the only two people who were

5 tased were the mother who was trying to get

6 to her daughter, correct?

7 A. Uh-huh (affirmative response).

8 Q. Who bumped into you and didn't

9 know you were a police officer; is that

10 right?

11 MR. STUBBS: Object to the form.

12 MR. ANDERSON: Object to the form.

13 MR. HOWARD: Object to the form.

14

15 Q. Is that right?

16 MR. STUBBS: Same objection.

17

18 A. Are you asking if she was tased?

19 Q. Yes, sir.

20 A. Yes.

21 Q. And then the daughter who you

22 believed and wrote in your report at least

23 seven times, you believed she was having a

Page 140

1 seizure or coming out of a seizure, she was

2 tased, correct?

3 MR. STUBBS: Object to the form.

4

5 A. I didn't see it.

6 Q. You didn't see it. You saw George

7 Morris standing there, right?

8 A. Or kneeling. He was around her.

9 Q. But you never saw him tase her.

10 A. No.

11 Q. And you never put that in your

12 report.

13 A. No.

14 Q. And Detective Gilliland says he

15 saw the tasing, right? That's what his

16 report says.

17 A. Yes.

18 Q. And I understand you believe

19 Morris over Gilliland, but do you have any

20 reason to dispute --

21 A. I didn't really say I believe him

22 over in any way. I mean, you asked me a

23 question about at that time, that one

Jimmy Fazekas**36 (141 - 144)**

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1 question.

2 Q. Well, if George Morris says he

3 tased her once and Gilliland's report says

4 he tased her multiple times, who do you

5 believe?

6 MR. STUBBS: Object to the form.

7

8 A. The one that did the action.

9 Q. So you believe Morris.

10 A. Yes. He was there. He was right

11 there.

12 Q. And you understand Gilliland was

13 there holding her neck while Morris was

14 tasing her.

15 A. I didn't see him there.

16 Q. You didn't see Gilliland there?

17 A. Holding her neck, no. I mean, not

18 while the tasing was going on because I

19 wasn't looking that way.

20 Q. How do you know the female was

21 cussing at Morris before he tased her?

22 A. How do I know she was cussing at

23 Morris?

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1 Q. Yes.

2 A. I didn't hear her cussing at

3 Morris.

4 Q. You never heard her --

5 A. I heard her cussing and yelling,

6 but not at Morris.

7 Q. Okay. How do you know it was the

8 female?

9 A. Because I saw it come out of her

10 mouth. I was around before --

11 Q. I'm talking about at the point

12 that Morris tased her.

13 A. How did I know it was her?

14 Q. Yes.

15 A. I don't know when Morris tased

16 her, so I don't know at what point that

17 would be.

18 Q. So you don't know whether or not

19 she was the one even cussing; is that right?

20 A. Do I know if she was yelling and

21 cussing?

22 Q. Before she got tased by Morris.

23 A. She was yelling and cussing before

Page 143

1 she got tased. Now, I don't know at what

2 point --

3 Q. I know you say she was yelling and

4 cussing at the time you were there.

5 A. Yes.

6 Q. But Morris wasn't there when you

7 were there, right? Morris had not tased her

8 when you were there, right?

9 A. That's correct.

10 Q. You never heard Morris tell her to

11 stop, behave or I'm going to tase you,

12 right?

13 A. No. I never heard that.

14 Q. So you don't know what was said to

15 Morris right before he tased her, right?

16 A. That's right.

17 Q. Okay. Have you heard that Justin

18 Gilliland was terminated, or resigned in

19 lieu of termination because he was sending

20 pictures of his penis to other officers?

21 MR. ANDERSON: Object to the form.

22

23 A. No. I did not know that.

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1 Q. As a detective, did you have a

2 police issued cell phone?

3 A. Yes.

4 Q. Were you wearing a body camera the

5 night of the concert that this tasing

6 occurred?

7 A. No, sir.

8 Q. Do you recall any other officers

9 wearing a body camera the night of the

10 tasing?

11 A. I believe some of the patrol guys

12 had them.

13 Q. Were you ever able to view any of

14 the footage from any body cameras from the

15 night of January 16, 2015?

16 A. We had to pull them up at one

17 point, yes.

18 Q. Who pulled them up?

19 A. I did, to get them on a CD, I

20 think.

21 Q. When did you pull them up?

22 A. I don't know when.

23 Q. Did you have your own password?

Jimmy Fazekas**37 (145 - 148)**

<p style="text-align: right;">Page 145</p> <p>1 A. No. It was whatever Justin 2 McGlaughn had done, I think. 3 Q. You used his password? 4 A. I'm pretty sure I did. 5 Q. What website did you go to to pull 6 them up? 7 A. The taser website. We had access 8 since we were detectives. 9 Q. And you pulled those up and put 10 them on a CD? 11 A. Yes. 12 Q. Who did you give the CD to? 13 A. I don't recall. 14 Q. Well, did you give it to someone 15 in the police department? 16 A. Yeah. It would have probably been 17 Chase or the Chief, one of them. 18 Q. And were you asked by either Chase 19 or the Chief to pull them up? 20 A. Yes, because they didn't know 21 how. 22 Q. Did George Morris ever ask you to 23 pull up any of the video?</p>	<p style="text-align: right;">Page 147</p> <p>1 A. I don't know if he had a camera 2 on. His taser, I don't know that. 3 Q. I'm sorry. His camera, his body 4 camera. 5 A. I wasn't aware -- well, I would 6 have been aware at the time, but I don't 7 remember. I mean, I would have saw it if we 8 were pulling video. 9 Q. Okay. So just so I'm clear, your 10 best recollection is the information 11 contained in your statement, correct? 12 A. Statement for what? 13 Q. Your statement as to the events 14 that occurred on January 16, 2015 at Center 15 Stage. 16 A. Yes. 17 Q. And that statement was made at or 18 near the time of January 16, 2015; is that 19 right? 20 A. Somewhere around there, yeah. 21 Q. And that statement was made as a 22 result of in your official capacity as a 23 police officer for Rainbow City?</p>
<p style="text-align: right;">Page 146</p> <p>1 A. No. 2 Q. Are you aware of whether or not 3 any video was ever deleted from that 4 night? 5 A. No. 6 Q. No, you're not aware, or no, you 7 don't know? 8 A. No, I'm not aware. I don't think 9 you can delete a video. 10 Q. Do you know how the process for 11 uploading taser information worked in 12 2015? 13 A. Yes. 14 Q. How did that work? 15 A. You stick it in a docking station, 16 and it uploaded it to, I guess, a Cloud or 17 something like that. 18 Q. Are you aware as to whether or not 19 George Morris' taser information was ever 20 uploaded? 21 A. Are you asking if his camera or 22 his taser? 23 Q. Both.</p>	<p style="text-align: right;">Page 148</p> <p>1 A. Yes. 2 Q. And that's an official record? 3 A. Yes. 4 MR. HARP: That's all I have. 5 MR. HOWARD: No questions. 6 MR. STUBBS: No questions. 7 MR. ANDERSON: No questions. 8 MR. HARP: Thank you for your 9 time. 10 11 12 13 FURTHER DEPONENT SAITH NOT 14 ENDING TIME: 5:00 p.m. 15 16 17 18 19 20 21 22 23</p>

Jimmy Fazekas**38 (149 - 149)**

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1 CERTIFICATE

2

3 STATE OF ALABAMA

4 ETOWAH COUNTY

5

6 I hereby certify that the above and
7 foregoing deposition was taken down by me in
8 stenotype and the questions and answers
9 thereto were transcribed by means of
10 computer-aided transcription, and that the
11 foregoing represents a true and correct
12 transcript of the testimony given by said
13 witness upon said hearing.

14 I further certify that I am neither
15 of counsel, nor of kin to the parties to the
16 action, nor am I in anywise interested in
17 the result of said cause.

18

19 /s/Beth Word

20 BETH WORD

21 ACCR #: 376

22 EXPIRES: 9/30/2017

23